

**LOUISVILLE METRO COUNCIL  
REGULAR MEETING  
JULY 26, 2007  
5:00 PM  
METRO COUNCIL CHAMBERS**

**CALL TO ORDER:** President Blackwell called the **July 26, 2007** Regular Louisville Metro Council meeting to order at 5:00 PM. He asked all to rise and join in the Pledge Allegiance to the flag.

**ROLL CALL:**

JUDY GREEN: PRESENT  
BARBARA SHANKLIN: PRESENT  
MARY WOOLRIDGE: PRESENT  
DAVID TANDY: PRESENT  
CHERI HAMILTON: PRESENT  
GEORGE UNSELD: PRESENT  
KEN FLEMING: EXCUSED ABSENCE  
TOM OWEN: PRESENT  
TINA WARD-PUGH: PRESENT  
JIM KING: PRESENT  
KEVIN KRAMER: PRESENT  
PRESIDENT RICK BLACKWELL: PRESENT  
VICKI WELCH: PRESENT  
BOB HENDERSON: PRESENT@5:11PM  
MARIANNE BUTLER: PRESENT  
KELLY DOWNARD: PRESENT  
GLEN STUCKEL: PRESENT  
JULIE RAQUE ADAMS: PRESENT  
HAL HEINER: PRESENT  
STUART BENSON: EXCUSED ABSENCE  
DAN JOHNSON: PRESENT @5:09 PM  
ROBIN ENGEL: PRESENT  
JAMES PEDEN: PRESENT  
MADONNA FLOOD: PRESENT  
DOUG HAWKINS: PRESENT  
ELLEN CALL: PRESENT@5:15 PM

CLERK: There are 25 members present. A quorum was established.

**MOMENT OF SILENCE:**

**ADDRESSES TO COUNCIL**

PRESIDENT BLACKWELL: Madam Clerk, do we have any addresses to the council?

*Ruby Gordon – Friend for Life  
Kenny Hilpp – Basketball Clinic  
Barb Lechner – Friend for Life  
Don Reid – Urton Lane Corridor  
William Zoeller- Urton Lane Corridor  
Paulette Adams – Urton Lane Corridor  
David Miles – Urton Lane Corridor*

THE CLERK: Thank you. That concludes the addresses to Council.

**APPROVAL OF COUNCIL MINUTES:**

PRESIDENT BLACKWELL: Thank you. Next, we have approval of council minutes for the special meeting of July 12, 2007. Are there any corrections or deletions?

COUNCILWOMAN WOOLRIDGE: Move approval.

COUNCILWOMAN FLOOD: Second.

PRESIDENT BLACKWELL: The minutes were properly moved and seconded. All those in favor aye?

ALL: AYES

Opposed? (NONE)

The ayes have it.

**The minutes are approved as written.**

### **APPROVAL OF COMMITTEE MINUTES**

PRESIDENT BLACKWELL: Next, we have approval of the following committee minutes.

Special: Appropriations, NDFs, CIFs – July 24, 2007

Regular: Committee on Committees – July 24, 2007

Regular: Government Administration, Rules, Ethics & Audit – July 16, 2007

Regular: Parks, Libraries and Cultural Activities – July 16, 2007

Special: Planning/Zoning, Land Design and Development – July 17, 2007

Regular: Transportation/Public Works – July 17, 2007

Special: Public Safety Subcommittee – July 23, 2007

Are there any corrections or deletions?

PRESIDENT BLACKWELL: Seeing none, do I have a motion for approval of these committee meetings' minutes?

COUNCILWOMAN WOOLRIDGE: So moved.

COUNCILWOMAN BUTLER: Second.

PRESIDENT BLACKWELL: These minutes have been properly moved and seconded.

All those in favor signify by saying aye.

ALL: AYE

PRESIDENT BLACKWELL: Any opposed.

The ayes have it.

**These minutes are approved as written.**

### **COMMUNICATIONS FROM THE MAYOR:**

PRESIDENT BLACKWELL: Madam Clerk, do we have communications from the mayor?

July 23, 2007

Mr. Rick Blackwell, President  
Metro Council  
601 West Jefferson Street  
Louisville, KY 40202

Dear President Blackwell:

In accordance with the Regional Airport Authority Ordinance, I am appointing the following to the **Regional Airport Authority Board.**

<b>Name</b>	<b>Term</b>
Robert Knust	Reappointment June 30, 2011
Gail Strange	Reappointment June 30, 2011

Your prompt action on these appointments is most appreciated.

Sincerely,

*/s/ Jerry E. Abramson*

Jerry E. Abramson  
Mayor

JEA/set

cc: Councilman Ken Fleming enclosures  
e-copy to MCC  
Councilman Dan Johnson enclosures

PRESIDENT BLACKWELL: Thank you. This item will go to the Contracts and Appointments Meeting for consideration

#### **CONSENT CALENDAR:**

PRESIDENT BLACKWELL: Our next order of business is consent calendar. The consent calendar consists of items 12 through 24. Are there any additions or deletions?

Councilman Tandy?

COUNCILMAN TANDY: Thank you Mr. President. I am requesting to move Item 14 to Old Business.

PRESIDENT BLACKWELL: Councilman Downard?

COUNCILMAN DOWNARD: Mr. President, would you please move Item 12 to Old Business.

The Consent Calendar now consists of Items 13, and 15-24. Madam Clerk, a second reading of those items.

13. R-120-07-07 A RESOLUTION OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT BY AND BETWEEN THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AND WESTPORT AXEL CORPORATION RELATING TO AN INDUSTRIAL BUILDING PROJECT UNDERTAKING THE ISSUANCE OF INDUSTRIAL BUILDING REVENUE BONDS AT THE APPROPRIATE TIME TO FINANCE THE PROJECT; AND TAKING OTHER PRELIMINARY ACTION.

**Status:** On Council Agenda - Consent Calendar

**Committee:** Budget

**Primary Sponsor:** Glen Stuckel

15. O-153-06-07 AN ORDINANCE CHANGING THE NAME OF FOSSIL CREEK COURT, FROM ITS EASTERN INTERSECTION WITH LANDIS LAKES DRIVE, AND RUNNING EAST, TO FOSSIL RUN COURT, SAID ROAD BEING IN LOUISVILLE METRO (DOCKET NO. 1-27-06).

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Planning/Zoning, Land Design & Development  
**Primary Sponsor:** Tom Owen

16. O-154-06-07 AN ORDINANCE CLOSING AN UNNAMED 22.5-FT WIDE ALLEY FROM ITS SOUTHERN INTERSECTION WITH BATES AVENUE, LOCATED 655.5 FEET WEST OF CAROL AVENUE, RUNNING SOUTH FOR A DISTANCE OF 156.08, CONTAINING 0.7 ACRES, AND BEING IN LOUISVILLE METRO (DOCKET NO. 1-01-07& 1-08-92).

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Planning/Zoning, Land Design & Development  
**Primary Sponsor:** Tom Owen

17. O-168-07-07 AN ORDINANCE AMENDING THE CORNERSTONE 2020 COMPREHENSIVE PLAN TO INCORPORATE THE EXECUTIVE SUMMARY OF THE OLD HENRY ROAD SUBAREA PLAN (CASE NO. 9010).

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Planning/Zoning, Land Design & Development  
**Primary Sponsor:** Hal Heiner

18. R-116-06-07 A RESOLUTION ADOPTING ARCHITECTURAL DESIGN GUIDELINES FOR THE CLIFTON LOCAL PRESERVATION DISTRICT.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Planning/Zoning, Land Design & Development  
**Primary Sponsor:** Tina Ward-Pugh

19. R-121-07-07 A RESOLUTION AUTHORIZING THE METRO GOVERNMENT TO ENTER INTO A \$650,000.00 AGREEMENT WITH THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET DEPARTMENT OF HIGHWAYS FOR AN EXTENSION OF COOPER CHAPEL ROAD.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Transportation/Public Works  
**Primary Sponsor:** Robin Engel

20. O-169-07-07 AN ORDINANCE AMENDING ORDINANCE NO. 127, SERIES 2007, RELATING TO THE FISCAL YEAR 2007-08 OPERATING BUDGET FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, BY TRANSFERRING FUNDS FROM THE NEIGHBORHOOD DEVELOPMENT FUND (DISTRICT 9) TO THE METRO COUNCIL GENERAL OPERATIONS (DISTRICT 9).

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Appropriations, NDFs and CIFs  
**Primary Sponsor:** Tina Ward-Pugh

21. O-159-07-07 AN ORDINANCE APPROPRIATING \$9,500 WITH \$5,000 AND \$4,500 COMING FROM THE DISTRICT 23 AND 24 NEIGHBORHOOD DEVELOPMENT FUNDS, RESPECTIVELY, THROUGH THE DEPARTMENT OF FINANCE AND BUDGET TO THE HIGHVIEW ATHLETIC

LEAGUE, INC. FOR A STORAGE ROOM ADDITION.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Appropriations, NDFs and CIFs  
**Primary Sponsor:**  
James Peden  
Madonna Flood

22. O-160-07-07 AN ORDINANCE APPROPRIATING \$26,000 WITH \$5,000 COMING FROM DISTRICT 21 AND \$7,000 EACH COMING FROM DISTRICTS 12, 13 AND 14 NEIGHBORHOOD DEVELOPMENT FUNDS, TO THE LOUISVILLE METRO POLICE DEPARTMENT FOR OVERTIME PATROL EXPENSES.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Appropriations, NDFs and CIFs  
**Primary Sponsor:**  
Vicki Welch  
Rick Blackwell  
Dan Johnson  
Robert Henderson

23. O-170-07-07 AN ORDINANCE APPROPRIATING \$20,000 FROM THE DISTRICT 19 NEIGHBORHOOD DEVELOPMENT FUND, TO MSD (METROPOLITAN SEWER DISTRICT) TO COMPLETE THE LINNEY AVENUE STORM SEWER MODIFICATION PROJECT.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Appropriations, NDFs and CIFs  
**Primary Sponsor:** Hal Heiner

24. O-161-07-07 AN ORDINANCE APPROPRIATING \$10,000 FROM THE DISTRICT 5 NEIGHBORHOOD DEVELOPMENT FUND TO METRO PARKS DEPARTMENT FOR ACTIVITIES IN DISTRICT 5 PARKS.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Appropriations, NDFs and CIFs  
**Primary Sponsor:** Cheri Bryant Hamilton

PRESIDENT BLACKWELL: May I have a motion for approval?

COUNCILMAN PEDEN: So moved.

COUNCILWOMAN WOOLRIDGE: Second.

The Consent Calendar has been properly moved and seconded. The consent calendar calls for a roll call vote. Madam Clerk, please open the voting.

**VOTING RESULT: CONSENT CALENDAR**

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES  
DAVID TANDY: YES  
CHERI HAMILTON: YES  
GEORGE UNSELD: YES  
KEN FLEMING: EXCUSED ABSENCE  
TOM OWEN: YES  
TINA WARD-PUGH: YES  
JIM KING: YES  
KEVIN KRAMER: YES  
RICK BLACKWELL: YES  
VICKI WELCH: YES  
BOB HENDERSON: YES  
MARIANNE BUTLER: YES  
KELLY DOWNARD: YES  
GLEN STUCKEL: YES  
JULIE RAQUE ADAMS: YES  
HAL HEINER: YES  
STUART BENSON: YES  
DAN JOHNSON: YES  
ROBIN ENGEL: YES  
JAMES PEDEN: YES  
MADONNA FLOOD: YES  
DOUG HAWKINS: YES  
ELLEN CALL: YES

CLERK: There are 25 YES votes and one NOT VOTING – Councilman Fleming.

PRESIDENT BLACKWELL: **The Consent Calendar passes.**

#### **OLD BUSINESS:**

The next item of business is Old Business. Madam Clerk, a reading of Item 12.

#### 12. 071607CRC NOTIFICATION OF RULES CHANGE.

**Status:** On Council Agenda - Consent Calendar  
**Committee:** Government Administration, Rules, Ethics & Audit  
**Primary Sponsor:**  
Jim King  
Robin Engel  
David Tandy  
Kevin Kramer  
Barbara Shanklin  
Kelly Downard  
**Additional Sponsor:**  
Madonna Flood  
Tina Ward-Pugh  
Robert Henderson  
Rick Blackwell

PRESIDENT BLACKWELL: May I have a motion for approval?

COUNCILMAN TANDY: Move approval.  
COUNCILMAN ENGEL: Second.

PRESIDENT BLACKWELL: The item has been properly moved and seconded. Is there any discussion?  
Councilman Downard?

COUNCILMAN DOWNARD: I will do it very briefly. This is just an attempt, I think, by all the presidents, including the current one, I mean, that are on the council, to clarify the rules some of the responsibilities and powers of the presidency and I think we are all kind of in agreement. So, we are putting this through to make it very clear.

PRESIDENT BLACKWELL: Any further discussion? Hearing none, we have this item before us and calls for a roll call vote. Madam Clerk, please open the voting.

### **VOTING RESULT: ITEM 12**

JUDY GREEN: YES  
BARBARA SHANKLIN: YES  
MARY WOOLRIDGE: YES  
DAVID TANDY: YES  
CHERI HAMILTON: YES  
GEORGE UNSELD: YES  
KEN FLEMING: EXCUSED ABSENCE  
TOM OWEN: YES  
TINA WARD-PUGH: YES  
JIM KING: YES  
KEVIN KRAMER: YES  
RICK BLACKWELL: YES  
VICKI WELCH: YES  
BOB HENDERSON: YES  
MARIANNE BUTLER: YES  
KELLY DOWNARD: YES  
GLEN STUCKEL: YES  
JULIE RAQUE ADAMS: YES  
HAL HEINER: YES  
STUART BENSON: YES  
DAN JOHNSON: YES  
ROBIN ENGEL: YES  
JAMES PEDEN: YES  
MADONNA FLOOD: YES  
DOUG HAWKINS: YES  
ELLEN CALL: YES

CLERK: There are 25 YES votes and one NOT VOTING – Councilman Fleming.

PRESIDENT BLACKWELL: Thank you. **This notification of rules change passes.**  
Madam Clerk, a reading of Item 14.

14- O-155-06-07 AN ORDINANCE OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT ("METRO LOUISVILLE") CONFIRMING AND ORDAINING THE PRIOR OFFICIAL COMMITMENTS OF METRO LOUISVILLE TO MAKE GUARANTEED PAYMENTS OVER APPROXIMATELY 30 YEARS OF

NOT TO EXCEED \$309,000,000 FOR FINANCING A PORTION OF THE LOUISVILLE ARENA PROJECT, CONSTITUTING A MONETARY OBLIGATION OF METRO LOUISVILLE; REQUESTING THE KENTUCKY ECONOMIC DEVELOPMENT FINANCE AUTHORITY ("KEDFA") TO ISSUE BONDS FOR THE BENEFIT OF THE LOUISVILLE ARENA AUTHORITY, INC., A KENTUCKY NONPROFIT CORPORATION, FOR THE FINANCING OF A PORTION OF THE COSTS OF THE LOUISVILLE ARENA PROJECT; AND AUTHORIZING AND ORDAINING THE APPLICATION OF CERTAIN PLEDGED RECEIPTS FOR THE PURPOSE OF PROVIDING THE GUARANTEED PAYMENTS.

**Status:** On Council Agenda - Consent Calendar

**Committee:** Budget

**Primary Sponsor:**

Jim King

Kelly Downard

Rick Blackwell

PRESIDENT BLACKWELL: May I have a motion for approval?

COUNCILMAN KING: Move approval.

COUNCILMAN DOWNARD: Second.

PRESIDENT BLACKWELL: This item has been properly moved and seconded. Is there any discussion?  
Councilwoman Flood.

COUNCILWOMAN FLOOD: Thank you Mr. President. This was originally on the Consent Calendar but I imagine there is going to be an abstention on this item therefore it was moved to Old Business. . And I do believe that Mr. King, who has done an excellent job of doing the research for the Metro Council, as well as Mr. Downard and Mr. Blackwell, I thank you on behalf of our fellow council members for a job well done. And I believe Mr. King would like to address the rest of council members who were not on that committee.

PRESIDENT BLACKWELL: Councilman King?

COUNCILMAN KING: Thank you, Mr. President. I would appreciate just a couple of minutes here to talk about this because it is probably one of more significant items we will deal with this year. You will recall that the agreement we forged in 2006 for the arena financing obligated Metro to pay approximately \$6.8 million per year as a minimum payment to the Arena Authority and a possible \$3.5 million three-year payment as a contingent payment if the arena revenues from all sources were inadequate to meet the bond payments on the new arena. In the 2006 agreement, the term revenues from all sources was used without regard to the payment of related expenses.

This arrangement gave the bond underwriters a little bit of heartburn since some of those revenues were obviously generated from day-to-day operations and the expenses related to the production of that revenue had to be paid with those revenues.

The revised language is a clarification of the intention of the parties when we approved the metro payment agreement with last July. The new language memorializes a cash flow hierarchy that substantially mitigates any chance the city will be required to make its contingent payment and therefore preserves the \$100,000,000 savings that this Metro Council achieved by offering its guarantee in lieu of cash last year. It also allows Metro to require the Arena Authority, I think this is significant, this new change here, to engage an independent arena consultant to recommend changes to the arena operations in the event the city's contingent payment is called in any two consecutive years. Although the revised language does allow arena operating deficits to trigger the contingent payment, the cash flow hierarchy and forecasted revenue streams make the likelihood of that occurrence remote. Annual tax increment financing revenues are forecast to average over \$20 million and



annual TIF surpluses will be retained by the bond trustee to be available to cover operating losses prior to calling the city's contingent payment. The TIF surplus account will begin accumulating tax dollars in early 2010 using a 2005 tax base, which will be adjusted annually by 2.5% for ad valorem taxes and 4% for sales taxes. The city's first minimum required payment is due in November 2010 to coincide with commencement of arena operations. Accordingly, the city's first payment will be at the minimum level. So we know we've achieved that level of savings, anyway. Further, since construction period interest will be capitalized as part of the bond issue while TIF revenues will create arbitrage interest during 2010 and 2011. Additional cash will be accumulated in the TIF surplus account, further reducing the likelihood that the city's contingent payment will ever be required or at least in the short-term. The TIF bonds will be retired in 2031 but the surplus funds accumulated at that date will be retained by the trustee for future short falls. The expected interest cost on the bonds, I understand most recently, will be approximately 5.25%. Excess funds available through this cash flow hierarchy will be split 45/55 through the city and state respectively as previously agreed last year. Of course, a measure of trust is necessary to accept the Arena Authority's TIF projections; however, based on those projections, the potential rewards, I believe, far out weigh the potential risks.

I have distributed a copy of an arena funding summary to each of you. I hope each of you has a copy of it. I think Councilman Unseld may still need his. I will make sure each one of you gets that. You will note on the second page that I have summarized the arena costs, the funding mechanism and the cash flow hierarchy. I would ask the clerk to make the -- my narrative and the finance calculations a part of tonight's record. (See insert)

<b><u>FINANCIAL OVERVIEW</u></b>	
<b><u>Arena Cost Summary</u></b>	
Site and other	\$ 87,000,000
Construction Costs	252,000,000
<b>Total Arena Cost</b>	<b>\$339,000,000</b>
Debt service reserve	30,000,000
Construction period interest	35,000,000
Debt issuance cost	20,000,000
Other costs	13,000,000
<b>Total Funding Required</b>	<b>\$437,000,000</b>
	=====
<b><u>Arena Funding Mechanism</u></b>	
State funding	\$ 75,000,000
Arena Authority bond issue	342,000,000
Arbitrage interest	20,000,000
<b>Total Funding Available</b>	<b>\$437,000,000</b>
	=====
<b><u>Cash Flow Hierarchy (over 30 years)</u></b>	
<b><u>Cash Flow Sources</u></b>	
Interior advertising rights	\$179,000,000
Facility fees	84,000,000
Luxury suite surcharge	64,000,000
Building naming rights	37,000,000
<b>Total Class A Revenue</b>	<b>364,000,000</b>
TIF Application payments	265,000,000

	Total before City Payment	629,000,000
City minimum payments		206,000,000
	Total cash available	\$835,000,000
<b>Cash Flow Uses</b>		
Debt Service cost at 5.25% over 30 years		\$(530,000,000)
Maintenance reserve		(90,000,000)
Assumed operating losses (@\$2,000,000/yr)		(60,000,000)
Excess revenues		155,000,000
		x 45%
	City Share of Excess	\$ 69,500,000
Footnotes:		
<ol style="list-style-type: none"> <li>1. PARC will build a 798 space parking garage using its own bonding capacity and will operate the garage for its own account. The garage will be integrated with the Arena plans.</li> <li>2. The Arena Authority has obtained a payment commitment of \$1 per car per event from Riverfront Parking Garages, a private off site parking company.</li> <li>3. Interest rates subject to change</li> <li>4. All amounts are approximate</li> </ol>		

COUNCILMAN KING: And, finally, I need to deal with one, what I believe to be technical correction, Modified Exhibit B, to the Amended and Restated Memorandum of Agreement between the City and the Arena Authority contains a reference to parking, the term parking where it discusses the day-to-day operating revenues. Councilman Heiner in Budget questioned that terminology and he was right in his questioning. That reference applies to private offsite parking, not the parking garage being constructed by the Parking Authority of River City. I would ask the Chair to rule that I may add the term "private offsite", those two words, as a technical correction to modify the term "parking" in the last sentence of Section 4 of modified exhibit B. And if the Chair would allow that.

PRESIDENT BLACKWELL: Yes, absolutely.

COUNCILMAN KING: Thank you, President, I am being told I should say president. . I apologize. So, with that change, I would encourage your support for this ordinance. Let me say that a couple of thank yous, if I can. I want to thank Chairman Host with the Arena Authority for his cooperation and help in getting this accomplished. And, certainly, the Mayor helped immensely in working with Chairman Host and I. On the Council, I had a great deal of help from Councilman Downard, no question about that and Councilman Heiner also was very thoughtful in a lot of his questions. And I want to thank them and President Blackwell and our budget chair for their assistance.

PRESIDENT BLACKWELL: Is there any further discussion? Councilman Hawkins?

COUNCILMAN HAWKINS: Thank you, Mr. President. Mr. President, I'm going to be opposed to this ordinance but I want my colleagues to know, Councilman King, Councilman Downard, Councilman Heiner, Councilman Blackwell, who worked so hard on this that this is in no disrespect to the hard work and time spent on this, my constituents remain 85 percent plus opposed to this arena. And I'd be remiss in representing them. I couldn't say I represented them if I voted for this funding. More people in my district are opposed to this arena than were opposed to vehicle emissions testing, VET testing, if that gives you any idea how much they disagree with this. So with all due respect, I know my colleagues worked very hard on this. I appreciate that. I depend on you guys in a lot of ways, as we all do, for some of these things. And I know you all are they

thorough in what you do. I don't disregard in any way, shape or form what you've done; but in representing my district, I cannot support this. Thank you, sir.

PRESIDENT BLACKWELL: Any further discussion?

Hearing none, we now have the ordinance before us, which calls for a roll call vote. Madam Clerk, please open the voting.

#### **VOTING RESULT: ITEM 14**

JUDY GREEN: YES  
BARBARA SHANKLIN: YES  
MARY WOOLRIDGE: YES  
DAVID TANDY: ABSTAIN  
CHERI HAMILTON: YES  
GEORGE UNSELD: YES  
KEN FLEMING: EXCUSED ABSENCE  
TOM OWEN: YES  
TINA WARD-PUGH: YES  
JIM KING: YES  
KEVIN KRAMER: YES  
RICK BLACKWELL: YES  
VICKI WELCH: YES  
BOB HENDERSON: YES  
MARIANNE BUTLER: YES  
KELLY DOWNARD: YES  
GLEN STUCKEL: YES  
JULIE RAQUE ADAMS: YES  
HAL HEINER: YES  
STUART BENSON: YES  
DAN JOHNSON: NO  
ROBIN ENGEL: YES  
JAMES PEDEN: YES  
MADONNA FLOOD: YES  
DOUG HAWKINS: NO  
ELLEN CALL: YES

CLERK: There are 22 YES votes, 2 NO votes from CM Johnson CM Hawkins and one ABSTENTION by CM Tandy and ONE not voting – CM Fleming.

PRESIDENT BLACKWELL: **This ordinance passes.** Colleagues, you might notice that it was called to my attention that the old business had item on your agenda on your computer had item 13. We've now corrected that. Item 13 was part of the consent calendar, so we already voted on item 13.

Madam Clerk, a reading of Item 25.

25. R-111-06-07 A RESOLUTION AUTHORIZING THE METRO GOVERNMENT TO ENTER INTO A \$13,000.00 AGREEMENT WITH THE COMMONWEALTH OF KENTUCKY ENVIRONMENTAL AND PUBLIC PROTECTION CABINET DEPARTMENT OF NATURAL RESOURCES FOR COOPERATIVE FORESTRY ASSISTANCE.

**Status:** On Council Agenda - Old Business  
**Committee:** Parks, Libraries & Cultural Activities  
**Primary Sponsor:** Vicki Welch

COUNCILWOMAN WARD-PUGH: Motion to approve.

COUNCILMAN PEDEN: Second

PRESIDENT BLACKWELL: Thank you. The item has been properly moved and seconded. Is there any discussion? Councilman Stuckel?

COUNCILMAN STUCKEL: This item was heard on our committee on July 16 without a quorum present, but we heard it. And we've sent it over to be voted on because there wasn't a quorum present. It concerns the census that the Department of Natural Resources are going to make on the trees in the downtown area to determine which are diseased and either need to be treated or replaced. And we're asking for a yes vote.

PRESIDENT BLACKWELL: Is there any further discussion? Hearing none, this is a resolution calling for a voice vote. All those in favor say aye?

ALL: AYE

Opposed?

The ayes have it. **The resolution passes.**

Madam Clerk, a reading of Item 26.

26. R-122-07-07 A RESOLUTION RELATING TO THE PLACEMENT OF A LIBRARY DISTRICT REFERENDUM ON THE BALLOT AT THE NEXT REGULAR ELECTION PURSUANT TO KRS 65.192.

**Status:** On Council Agenda - Old Business

**Committee:** Committee on Committees

**Primary Sponsor:**

Rick Blackwell

Cheri Bryant Hamilton

George Unseld

Tom Owen

Barbara Shanklin

Ellen Call

Jim King

Mary C. Woolridge

Tina Ward-Pugh

Robert Henderson

Vicki Welch

Judy Green

Madonna Flood

Dan Johnson

David Tandy

COUNCILWOMAN WARD-PUGH: Motion to approve.

COUNCILMAN HENDERSON: Second.

PRESIDENT BLACKWELL: Motion has been made and seconded. The item has been properly moved. Is there any discussion? Councilwoman Ward-Pugh?

COUNCILWOMAN WARD-PUGH: Thank you, Mr. President. It's my great good fortune to join with a number of my colleagues tonight in supporting this administrative act for our library system in Jefferson County to be put forward on a ballot in November. This is something that most if not all of us were approached early on when this merged government came forward with five years later, it felt like to the administration. I am supporting enjoying that, as well. But it's a time to move forward and if our libraries need. Again I will say that this is only my endorsement of the action of the tax. Tonight what we'll be doing, I believe, is our ministerial responsibility following state statute to place it on that ballot. Thank you.

PRESIDENT BLACKWELL: Thank you. Councilwoman Call?

COUNCILMAN CALL: Thank you, Mr. President. I am voting tonight to put the item on the ballot. This will give voters the chance to decide if we are willing to make the investments necessary to create a first class library system in Louisville. More people have been visiting the library each year for the last nine years. They are checking out more books and they are using more services. As a result, we are reaching a result where status quo funding is no longer good enough. The libraries need a reliable, dedicated revenue stream. And that's why I'll be voting yes for the libraries in November. Thank you.

PRESIDENT BLACKWELL: Councilman Heiner.

COUNCILMAN HEINER: Thank you, Mr. President. I appreciate this opportunity to explain my vote and I will be voting yes tonight. We can build new libraries without new taxes. Tonight's vote represents only that the petitions requesting that this matter be put on the November ballot were submitted and that a public hearing was held according to state law. I will vote yes, but I want to make my position on this issue clear. I do not support a new \$40 million tax for our libraries when we have the resources available to construct new libraries now. The idea behind merger was to you unify, to bring departments under one roof and give people one point of contact for their government, creating a new government board of non-elected members does just the opposite. I am concerned that the creation of a new \$40 million tax will hurt our economic competitiveness, our businesses and our working families. We are already among the most taxed people in the country, and this additional tax will only make things worse. I am most concerned that Louisville workers fighting to make a living wage will be hit hardest by this new tax. A recent study in Washington showed that our workers making \$25,000 annually will become the fourth most taxed people in the nation with this tax. I have encountered discussions here at the council about what to do with the millions from Metro Government if the library tax passes. Don't forget where those millions come from. It comes from the hard working people of our community. It comes from families struggling to afford the 50 percent increase in gas prices. It comes from individuals paying the 25 percent increase in TARC fees. It comes from households trying to make ends meet with the upcoming 30% increase in MSD rates. Do we want to add that last straw that breaks the camel's back? I do not. We have heard from people with hundreds of millions of dollars in their bank accounts and for whom meeting their material needs is not even a consideration. And please understand: Their dividends and interest income will not be taxed under the library tax proposal. Where is the compassion for the hard working people who will pay this tax and as a result move into the fourth highest tax group in the country? I and many of my colleagues are proposing an alternative plan for new libraries without new taxes. I encourage every to visit [www.hotlinetohal.com](http://www.hotlinetohal.com) to review the plan and become informed on this issue. I also ask the clerk to make a copy of that plan part of the night's record. Thank you, President Blackwell.

## **New Libraries without New Taxes**

We can improve our libraries without raising taxes.

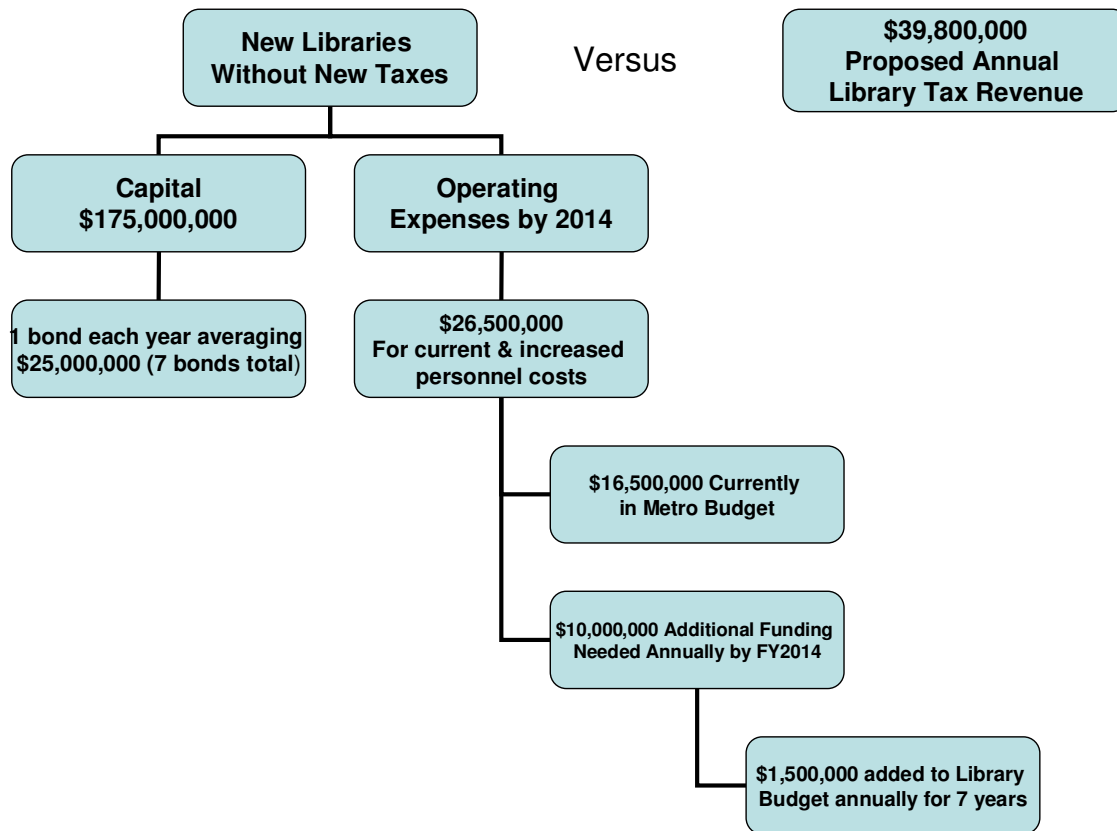
Metro Government can build the libraries recommended within the Library Master Plan, without burdening the working people of Louisville with an additional tax or creating a separate government entity with non-elected board members.

To complete the Library Master Plan on the same schedule proposed by Library Tax supporters, we propose increasing the operating budget for our Library by approximately \$1.5 million every year for the next seven fiscal years and issuing an annual bond averaging \$25 million in each of the next seven fiscal years.

The funds to support our Libraries can be easily absorbed with minimal economic growth. This decision will maintain the oversight and accountability that lives up to the promise of a more efficient merged government.

This plan will not add to the high tax burden that many of Louisville's working families already face and will not create a perpetual tax that will damage our community's economic competitiveness.

# Options for Funding the Library Master Plan



\*For a copy of this presentation please visit: [www.hotlinetohal.com](http://www.hotlinetohal.com) or call (502) 574-1119

## **EXECUTIVE SUMMARY**

### **AN ALTERNATIVE APPROACH FOR FUNDING NEW LIBRARIES WITHOUT NEW TAXES**

**Goal:**

**Fund the Library Master Plan without the creation of a new government body or an additional tax on the working people and businesses of Louisville.** We want Metro Government to make funding the Master Plan a priority and believe funding the libraries is a matter of will, not available funds. The decision to fully fund the Library Master Plan and Operations would represent a 3% increase of the \$800 million Metro Budget.

Many members of the Metro Council are suggesting Metro Government begin the implementation of the Master Plan this fiscal year. The plan would pay all Capital Plan Improvements through the issuance of bonds and increased operational expenses through projected revenue increases. The plan would implement the Master Plan without the need of additional taxes while not exceeding the current percentage of debt service (principal and interest) payments.

**Reason:**

The people of Jefferson County voted for merged government because they believed Metro Government would bring them better representation and more efficiencies through a single local government giving citizens one source of contact.

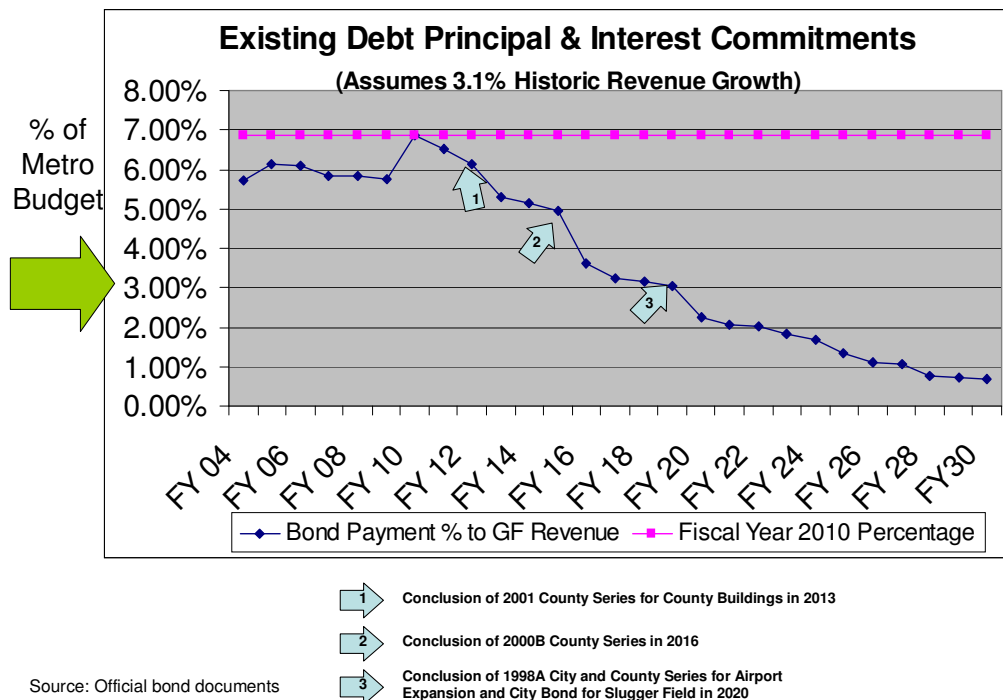
The creation of a new governmental body with an additional tax would remove the Louisville Free Public Library from being held accountable to local government and establish a new non-elected body to make decisions.

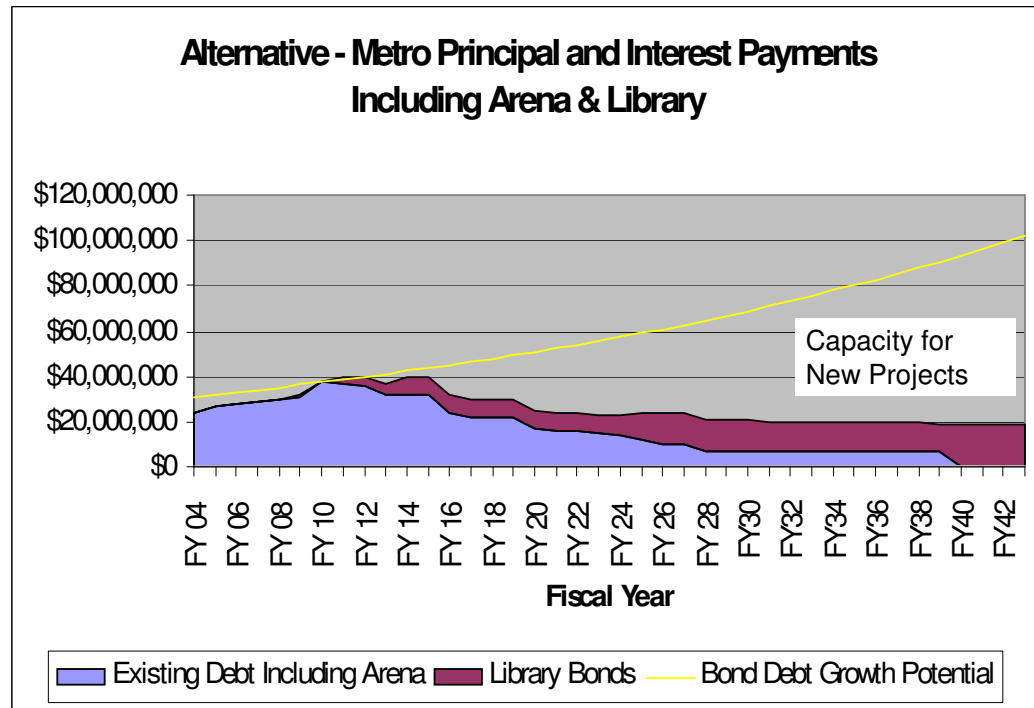
The community would be negatively impacted by the increase of taxes on local employees and businesses. For our lowest paid workers, Louisville is already the 6th most taxed of the 51 largest cities in each state. The proposed library tax would make our lowest paid workers the 4th most taxed of the 51 largest cities in each state. (See Chart in Appendix A.)

**Operational:** Under the Library Master Facilities Plan, by Fiscal Year 2015, approximately \$10 million in additional expenses will be needed to cover the operation expenses associated with the newly constructed regional and neighborhood branches of the Library. It is recommended that Metro Government increase its operational appropriations to the Library by approximately \$1.5 million each year over the next 7 years to be prepared for this increased service cost. These increases will facilitate the hiring of enough employees to staff the new properties and will put Metro Government into a position of fully funding the operational needs by the time construction ends.

**Capital Costs:** The construction of the Libraries would be paid through the issuance of \$175 million in bonds and \$25 million raised through the Library Foundation over the next seven years. These bonds allow for the construction of the Regional Libraries to begin in 2008 and would provide enough funding for all capital improvements to be made by 2014. This plan is similar to the construction plan expected should the Library referendum pass.

Louisville's current principal and interest debt payment schedule begins to decrease dramatically by 2013 with the 2001A and 2001B county bonds being repaid. In 2016, the 2000B county bonds are repaid and in 2020 the city and county 1998A airport expansion bonds as well as the city's Slugger Field bonds will be repaid. By properly structuring the payments to be interest only now and increasing principal payments (when the current payment schedule drops), allows us to build now while maintaining relatively flat debt payment schedule. Assuming revenues continue to rise at the national 40-year average of 3.1%, combined with decreasing debt payments, there will be sufficient funding for other community initiatives in addition to filling needs of our library.





#### H FOR FUNDING NEW LIBRARIES WITHOUT NEW TAXES

### The Facts:

- In an August 2006 study of the tax burden on residents in the largest city of each state, Louisville is ranked as one of the cities with the highest tax burden (5 annual income levels were used in the study). The addition of the proposed Library Tax would move Louisville even further down that list. (See chart in Appendix A)
- Instead of coming to the Council with a FY08 budget request to fund the entire Master Plan through Metro Government's budget, the Council was presented with a proposal for separation.
- The people of Louisville Metro are being asked to vote for nearly \$40 million in additional annual taxes. However, the current tax rate will remain in Metro Louisville and the \$16.4 million currently allocated to the Libraries would be reallocated to other government endeavors.
- Since merger, the Metro Council has approved all Mayoral recommended budget requests related to the Library Master Plan. Such funding included master plan implementation (\$500,000) and purchase of land for the Regional Libraries (\$2.2 million). Additionally, maintenance cost on existing buildings and programs such as Everyone Reads has been funded. (See chart in Appendix B)
- The creation of a separate governmental entity with a separate board goes against the idea of merged government. The people of Louisville and Jefferson County were told a merged government would help to improve accountability and give them one place to look for answers. The creation of a separate government body and an additional tax would set up a separate board of un-elected trustees who wouldn't be accountable to Metro Government.



## **Metro Council Participation:**

The Metro Council is required to adopt a resolution submitting the question to the voters of the county or consolidated government. As read, KRS 65.192(5) does not give the Metro Council the option of clarifying the language on the November 2007 Ballot.

## **Petition Wording:**

The following wording was taken from the top portion of each of the petitions received by the Metro Council on June 11, 2007.

*We, the undersigned registered voters of Louisville Jefferson County Metro Petition the Louisville Metro Council that the question of creating a library district with the powers authorized by Kentucky Revised Statutes 65.192 and with the power to adopt an occupational license fee of two tenths of one percent as provided for in KRS 65.192(10) be placed on the ballot for the next general election, which election shall be held on November 6, 2007.*

## **Ballot Language:**

KRS 65.192(6) states, “*The question shall be stated so that the service to be provided by the district, the type of governing body, and the method of financing as allowed by this section are clearly outlined.*”

## **The Ballot Question as proposed by Library Tax Supporters:**

Are you in favor of the following?

1. The renovation and expansion of existing Louisville Free Public Libraries, the addition of new books, computers, children's programs and other services for library users, and the construction of new neighborhood libraries, and
2. The creation of a countrywide library district to be governed by a library board of five unpaid trustees appointed from the residents of all of Jefferson County, and
3. The financing of the library through an occupational license fee of twenty cents for every one hundred dollars to be collected from individuals on employment earnings in Jefferson County, and at the same rate on the net profits of business activities listed in Kentucky Revised Statutes 65.192 (10)(b)

Yes \_\_\_\_\_ No \_\_\_\_\_

## **Our Concerns:**

The ballot question does not contain the word “tax.” By definition the people are being asked to increase their occupational taxes by an additional 0.2%. There is also concern than the question leaves out the primary question of financing (via increased taxes) until the third item of this ballot question.

Who isn't going to answer yes to the following; “Are you in favor of the renovation and expansion of existing Louisville Free Public Libraries, the addition of new books, computers, children's programs and other services for library users, and the construction of new neighborhood libraries.” This language masks the true effect of the ballot question, which is the separation of the library from local government and an increase of taxes on all workers and businesses.

## **Questions and Answers:**

**Question:** What will the proposed Library Tax cost me?

**Answer:** If you earned no wages, the new Library tax will cost you nothing mirroring the existing occupational tax of Metro Government. If you own a business, it will cost you an additional 0.2% of all taxable earnings and if you are earning wages, it will cost you an additional 0.2% of all taxable earnings. This is in

addition to the amount you are currently paying Metro Government, the Transit Authority of the River City (TARC), Jefferson County Public Schools and any suburban city you may live within.

**Additional tax an individual will be required to pay beginning January 1, 2008:**

**Question:** What will be new Library Tax?

**Answer:** **Projected the Tax is approved**

Employee  
Individual  
\$7,865  
Net Profit  
\$6,657,409  
Interest and  
\$257,042

Annual Salary	Additional Taxes Per Person Per Calendar Year
\$25,000	\$50
\$38,000	\$76
\$50,000	\$100
\$75,000	\$150
\$100,000	\$200
\$125,000	\$250
\$150,000	\$300
\$175,000	\$350
\$200,000	\$400

the source of the funds for a

**Library Tax Revenue: If**

Withholding:  
\$30,578,374  
Fees:  
Fees:  
Penalty:

Total: \$37,500,690  
FY2007 Projection is for \$39,800,000  
(Numbers are based on TARC FY2007 Revenue which has a similar 0.2% tax rate.)

**Question:** Will this tax and the new taxing entity end after the Library Construction Project is paid?

**Answer:** No. The tax and new taxing entity will continue, even after the Library Master Plan is implemented. There is no sunset provision within the ballot question, and according to Kentucky State law, a sunset provision cannot be added by the Council.

**Question:** Will other groups or departments of Metro Government be hurt by the increase in funding for our libraries using our current fiscal resources?

**Answer:** No. Metro government continues to see increased revenues for operational costs and will see a significant increase in the amount of funds available for appropriation via increased revenues.

**Question:** Can other groups petition the Metro Council to establish other additional taxes for governmental departments or initiatives?

**Answer:** Yes. Any group that brings the council a proposal for service and funding, along with a signed petition by enough registered voters of the community, can have their matter placed on the ballot during the next election.

**Question:** What is included in the construction plan?

**Answer:** The total construction plan is estimated at \$200 million with \$25 million collected from privately raised funds. Three new regional libraries, renovating and expanding existing historic libraries, increasing collections of books and audio-visual materials will cost an estimated \$120 million. The plan also includes a \$70 - \$80 million renovation or replacement of the current downtown location and space for community meetings, free classes and other public gatherings in all locations.

**Question:** What happens to the current assets of Metro Government being used by the Library Department?

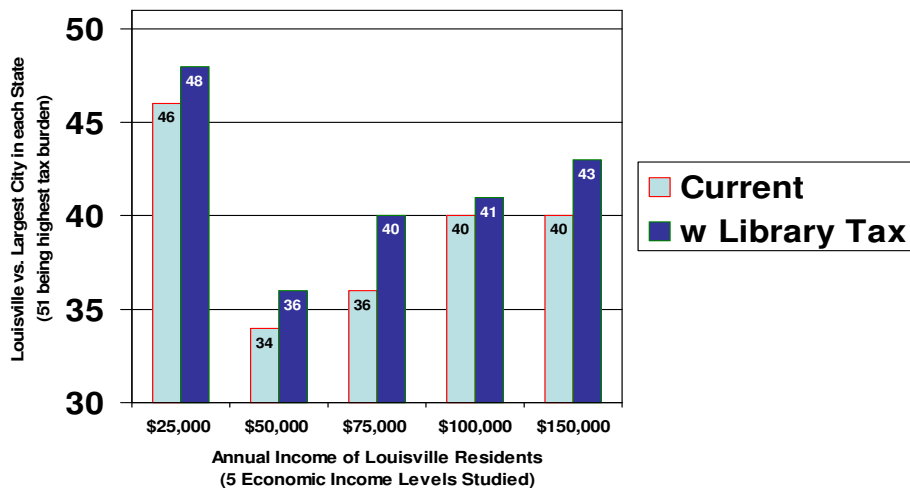
**Answer:** According to the document delivered by the Library, "All assets of the existing public libraries will be transferred to the public library district at the beginning of its operation." Without

remuneration (which is not mentioned in the proposal), Metro Government would immediately decrease its financial value and have no right to those assets in the future.

**Appendix A: Louisville's tax burden was ranked 48<sup>th</sup> out of 51 Cities in a study of the Largest City in each state. (3<sup>rd</sup> highest tax burden among people making approximately \$25,000)**

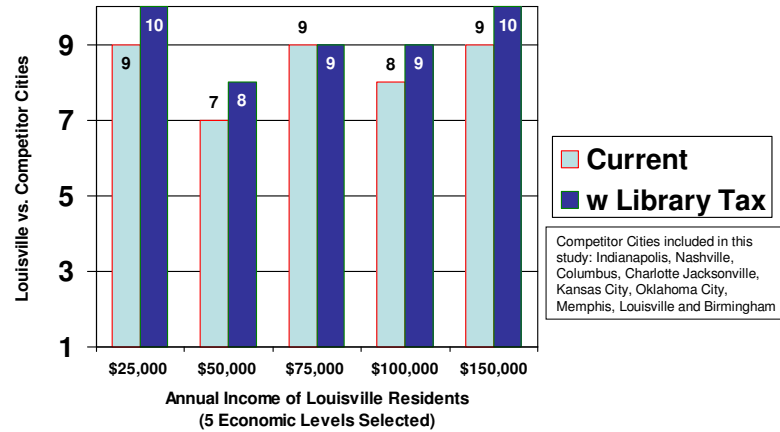
## Estimated Burden of Taxes – A National Comparison of 51 Cities

(Results published in an August 2006 Study "Tax Rates and Tax Burdens in the District of Columbia – A National Comparison")



# Estimated Burden of Taxes – 10 Competitor Cities

(Results published in an August 2006 Study "Tax Rates and Tax Burdens in the District of Columbia – A National Comparison")



## Appendix B. General Fund Operating and Capital Budgets\*

Fiscal Year	Description	Requested by Administration	Funded by Council	Difference
FY04	Operating Budget Capital Budget	\$14,345,300 \$965,000	\$14,457,300 \$965,000	\$112,000 See Note 1
FY05	Operating Budget Capital Budget	\$15,126,800 \$75,000	\$15,126,800 \$75,000	
FY06	Operating Budget Capital Budget	\$15,225,600 \$704,000	\$15,225,600 \$2,704,000	\$2,000,000 See Note 2
FY07	Operating Budget Capital Budget	\$15,680,000 \$633,000	\$15,680,000 \$633,000	
FY08	Operating Budget Capital Budget	\$16,377,900 \$375,000	\$16,377,900 \$375,000	
Totals	Operating Budget Capital Budget	\$76,755,600 \$2,752,000	\$76,867,600 \$4,752,000	\$112,000 \$2,000,000

\* Other Revenue Sources not included

Note 1: \$30,000 added for Sunday overtime hours and \$82,000 for lease/repair costs.

Note 2: \$2,000,000 added as mid-year adjustment

**\*For a copy of this presentation please visit: [www.hotlinetohal.com](http://www.hotlinetohal.com) or call (502) 574-1119**

PRESIDENT BLACKWELL: Councilwoman Raque Adams.

COUNCILWOMAN ADAMS: As a mother of two and frequent visitor to our libraries, I am keenly aware of the tremendous number of unmet needs our libraries face year in and year out. This administrative act tonight of placing the library referendum on the ballot will give the community and not the government the power to decide to improve our libraries. This referendum is not a government mandate but a community decision to make our libraries a destination and not an afterthought. Strong libraries are critical to a strong and vibrant community. I'm proud to be a supporter.

PRESIDENT BLACKWELL: Councilman Kramer?

COUNCILMAN KRAMER: Thank you, Mr. President. I want to make it clear that those watching tonight I will vote to place this matter on the November ballot. We as a council are required by state law to do so. I have many concerns regarding both the manner in which the signatures were collected and the wording on the ballot. But again to be clear, state law prohibits the council from denying the placement of this referendum on the ballot. As a supporter of building new libraries now, rather than through a new tax, I want to encourage every person in Louisville to take this opportunity to debate the issue about taxing, not about building libraries. I think it's good news for those who are watching to notice that despite the discussion about how to go about funding the building of libraries, this council is resolute in the need for building new libraries to move Louisville forward. Thank you.

PRESIDENT BLACKWELL: Councilman King?

COUNCILMAN KING: Thank you, Mr. President. I'm not going to speechify, I want to clarify that was that [www.hotlinetohal.com](http://www.hotlinetohal.com)? I just wanted to make sure I knew that.

PRESIDENT BLACKWELL: Councilman Downard?

COUNCILMAN DOWNARD: Thank you, Mr. President. I will have very brief comments. In 2003 when I ran for this council, I did so on a platform of merging government and expanding services, all without increasing taxes. And today we find ourselves for the first time in a position, I think, of providing a major expansion of City Services, and it includes a new tax. Over the next four months, we have a unique opportunity, and I

implore my colleagues to join me. We have the opportunity to convince everyone in this community that we direly need an expansion of library services. There is no mistake about it. We've been talking about it off and on for four years. It is now before us. And if we lose this opportunity and we fall off the end of the earth, we've lost our responsibility as leaders. There will be discussion, and I'll be having part of it, as you might guess, on the necessary ways in which we can fund this. There are, on one of the websites discussed tonight at the meeting, there is a method of funding it. There is a method proposed in the program. And there are several others. We have four months to determine what is maybe the best way to do this. But I want to tell you, if we lose the opportunity to convince every single one of our neighbors that our libraries have been under funded, undernourished and about ready to fall into disrepair altogether, we've lost an opportunity that we may never have again. Please, I'll join and vote in tonight's ministerial duty, we all have to, I think. But even though we may disagree on some of the aspects, the fact that the library program must be enhanced, expanded and regrowthed to the full extent of the existing plan it's proposed should not be anything of debate I don't think we should allow it to be part of the debate as we go through the communities in the next several months thank you, Mr. President.

PRESIDENT BLACKWELL: Councilman Johnson?

COUNCILMAN JOHNSON: I think that it's time for a library tax, having seen it twice as I've lived in Louisville to see it fail. I think we have this in place to support the library for the future because in the 20 some years it's been since the library tax was enacted wasn't enacted, I think that the libraries have fallen because of it and I've seen other cities which have much better libraries than we do and I would suggest that we look towards supporting this tax because I don't believe that the city budget can afford to do the things that some of our colleagues think that it can.

PRESIDENT BLACKWELL: Councilwoman Flood?

COUNCILWOMAN FLOOD: I think tonight shows a very interesting thing. On several other issues we've heard several of our council members say well let's go to the state to see if we can put it on the ballot. Tonight we have a unique opportunity to let the people who live and learn and work and play in this community decide if education is as important to them as it is to us. It will be simply their decision. We've heard a lot about it's a new tax, it's expanding services for a tax, well you can look at it as a tax, so you can look at it as an investment into the future. The future for our children, the future for our grandchildren, what lies ahead for them. I think it's imperative that education has to become one of our number 1 jobs. And when you look at just going through the budget process, there was no magic pixy dust that was sprinkled over the budget and money an appeared from never land. It just doesn't happen. And when Paul Coomes testified in front of us during the revenue part of the budget, we also heard that while we may be taxed in Louisville, the high taxes are not from Louisville Metro taxes, they are from the state. It is not from a local tax, it's from a state tax that makes our taxes high in this region. And I think if you build a hope and dreams this there's going to be money there and we can keep bonding and bonding year after year, soon that well runs dry and you affect your ability to borrow money. How many people have got their self in trouble with that very same idea in the City of Louisville with a credit card, pay later. I'll buy it now and I'll pay later. Look at the U.S. district bankruptcy courts and you'll see it. I don't want the people of Louisville trading in their library card for a credit card that's going to get them in trouble later on. Let the people decide. Thank you.

PRESIDENT BLACKWELL: Councilwoman Woolridge?

COUNCILWOMAN WOOLRIDGE: Thank you, Mr. President. Mr. President, I support putting this on the budget this fall. As several of my colleagues have said, this will be something that they will decide for themselves. And the \$17 million that is in the budget each year for the libraries, the city can certainly use that money for other projects. So I do support putting this on the ballot and letting the folk decide for themselves. And as you all know, I get very personal about my library in district 3. I have two small rooms rented in Shively City Hall, and that is a heavily populated used library. And I heard one of my colleagues say we can build libraries now, well I want to get with him. I'm going to email his hot line to find out how we can build a library, a sufficient library in district 3. Thank you, Mr. President.

PRESIDENT BLACKWELL: Councilwoman Shanklin

COUNCILWOMAN SHANKLIN: Thank you, Mr. President. I want to thank Councilwoman Adams and Councilwoman Ellen Call because when we first started out, they were really pushing help get a library in Newburg. I'm really excited about this. My community is really excited. They went out and really fought to get signatures. And we are so excited because this is an opportunity to give us a library in that community that has never had one. So I'm just hoping that this will pass and we would have the opportunity to get the library that we've never had in our district. Thank you.

PRESIDENT BLACKWELL: Councilman Peden?

COUNCILMAN PEDEN: I would just like to call the question.

PRESIDENT BLACKWELL: I just have one other question.

COUNCILMAN PEDEN: Sure.

PRESIDENT BLACKWELL: Take one other, Councilman Henderson?

COUNCILMAN HENDERSON: I want to say something to the people of our city, in southwest Jefferson County, we've done things from doing bookmobiles and using shacks and everything else. We finally got one. It's rented space. It's 18000 square feet. We pay over a quarter million dollars just to rent that space. And I think it's time that we considered to make sure we educate our self on what is this all about and invest in our community. And we've got one that we can put just north of there, a 40,000 square feet, same kind of money we can own that and it belongs to us. So I think it's a big investment, especially for our southwest, it's the most used library I think that's in the system. Thank you.

PRESIDENT BLACKWELL: I have one other if you want me to call the question.

COUNCILMAN PEDEN: You had one other a minute ago.

PRESIDENT BLACKWELL: Good point. Without objection, the question has been called.

COUNCILWOMAN WARD-PUGH: Objection.

PRESIDENT BLACKWELL: There's an objection.

COUNCILMAN PEDEN: Go ahead.

PRESIDENT BLACKWELL: Councilman Owen..

COUNCILMAN OWEN: In fairness, colleagues, I had actually used the computer to indicate that I would like to speak. I think I can speak briefly just trying to clarify what seems to be to be a shibboleth that is a real catchy phrase. We can build quality libraries now without a new tax. We can borrow the money to bond the library construction. And then we can tell the library system, as we have the last 20 years, to get in line with their hat in their hand to try to get an annual appropriation from local government for building quality library within the buildings that we have borrowed money to build. That's the proposal as I understand it as to how to build a quality library system now without a new tax. I am glad that we are going to the citizens of this community with clarity that if we want to build this economy to attract new businesses to this city, then we need a library system to brag about. We don't have that now. We have dedicated professionals, dedicated leaders. We do not have a well-funded library system. This referendum gives us that opportunity. Thank you, Mr. President and colleagues.

PRESIDENT BLACKWELL: This is a resolution calling for a voice vote. All those in favor say aye?

ALL: AYE

Opposed?

The ayes have it. **The resolution passes.** Madam Clerk, a reading of item 27.

26. O-85-04-07 (S) AN ORDINANCE RE-ENACTING AND AMENDING CHAPTER 155 OF THE LOUISVILLE METRO CODE OF ORDINANCES (LMCO) RELATING TO SIGNS (AS AMENDED).

**Status:** On Council Agenda - Old Business

**Committee:** Government Administration, Rules, Ethics & Audit

**Primary Sponsor:**

Kelly Downard

Rick Blackwell

PRESIDENT BLACKWELL: May I have a motion for approval?

COUNCILMAN ENGEL: So moved.

COUNCILMAN PEDEN: Second.

PRESIDENT BLACKWELL: This item has been properly moved and seconded. Is there any discussion?  
Councilman Downard?

COUNCILMAN DOWNARD: Thank you, Mr. President. I was out of town due to a family emergency last week during the meeting and Councilman Kramer took over as chair of that meeting. If I could concede to him I would like to do so.

PRESIDENT BLACKWELL: Councilman Kramer

COUNCILMAN KRAMER: Thank you, Mr. President. A good bit of work that was done on this ordinance actually was done before it came to us. I started working on the ordinance at 155.09, which is pretty much halfway in. However, one of the things we did in that committee meeting is go back and amend out several sections where there was redundancy. And those did go back even before 155.09. So as you look through the ordinance, you'll notice that there are several sections that are complete scratch-outs, included among them are 155.09 and 155.10. Again, if you go back before that, there are other sections where this section is scratched out in total. The reason for that is when you took a look at what this ordinance, the language in this ordinance said and compared it to Cornerstone 2020, compared it to some other regulations in IPL and some other ordinances on the books, what we found is the language was redundant. So the county WILLIAM O'BRIEN came over, made reference to those places where there were redundancies and requested that we strike that language. And so on those sections where they're stricken in totality, that's where that comes from. And, again, two prime examples are Sections 155.09 and 155.10.

Some other changes that were made that I believe are of significance that people may take note of: In 155.11 A, you'll notice that the fees changed from \$45 a year to \$75 for any registration fee. And then you'll notice that there was a change from \$30 to \$50. And then again later in that same line, a change in the fee from \$15 to \$25. And the reason for the change in those fees is these fees have been stagnant for over 10 years. And so when the administration testified, we asked very specifically what the fees were being used for and why the necessity for increasing the fees. And the response from the administration was that the cost of regulating these industries has gone up over time. It's just a result of normal inflation. And so the need for bumping the fees was to keep up with the actual cost. And so it's the idea that it's a fee being used to monitor the license that is in place. There's another change later in 155 -- make sure I'm in the same place here -- again in 155.11 there is some language added that "all costs incurred in the removal of the sign will be processed and attached against the owner in accordance with 155.04 thus making the owner responsible for any fees the city incurs for moving a sign." And you'll notice, I'm almost finished, Mr. President, I'll try to be brief, you'll notice at the end of the ordinance that there is a couple changes where it looks like added language about administration and enforcement. In reality, that's simply changing the wording from what administration and enforcement said later you'll notice again that later that's scratched from the ordinance. And severability is the same way. There was a section on severability and that language was changed and amended out. This came out of the Government Administration Committee with unanimous support for the amendment. And so this evening I'm moving the amendments.

COUNCILMAN PEDEN: Second.

PRESIDENT BLACKWELL: The amendment has been properly moved and seconded. Is there any further discussion? Amendment calling for a voice vote. All those in favor say aye?

ALL: AYE

Opposed?

The ayes have it. Is there any further discussion? We have an amended ordinance before us, which calls for roll call vote. Madam Clerk, please. -- open the voting.

### **VOTING RESULT: ITEM 27**

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

DAVID TANDY: YES

CHERI HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: EXCUSED ABSENCE

TOM OWEN: YES

TINA WARD-PUGH: YES



JIM KING: YES  
KEVIN KRAMER: YES  
RICK BLACKWELL: YES  
VICKI WELCH: YES  
BOB HENDERSON: YES  
MARIANNE BUTLER: YES  
KELLY DOWNARD: YES  
GLEN STUCKEL: YES  
JULIE RAQUE ADAMS: YES  
HAL HEINER: YES  
STUART BENSON: YES  
DAN JOHNSON: YES  
ROBIN ENGEL: YES  
JAMES PEDEN: YES  
MADONNA FLOOD: YES  
DOUG HAWKINS: YES  
ELLEN CALL: YES

CLERK: There are 25 YES votes and one NOT VOTING – Councilman Fleming.

PRESIDENT BLACKWELL: **The ordinance as amended passes.**

Madam Clerk, a reading of Item 28.

28. O-109-04-07 (S) AN ORDINANCE AMENDING AND RE-ENACTING CHAPTER 152 OF THE LOUISVILLE METRO CODE OF ORDINANCES (LMCO) RELATING TO MOVING STRUCTURES. (AS AMENDED)

**Status:** On Council Agenda - Old Business  
**Committee:** Transportation/Public Works  
**Primary Sponsor:**  
Kelly Downard  
Rick Blackwell  
Kevin Kramer

PRESIDENT BLACKWELL: Motion for approval?

COUNCILWOMAN WOOLRIDGE: So moved.

COUNCILWOMAN HAMILTON: Second.

PRESIDENT BLACKWELL: Thank you. Is there any discussion? Councilman Heiner?

COUNCILMAN HEINER: This ordinance was actually in the Transportation Committee for several sessions. The administration, IP & L, Inspections, Permits and Licenses, and the county WILLIAM O'BRIEN went through this reenactment ordinance relating to moving structures, buildings, homes from one site to another. And both clarified, based on the new Metro Government Code of Ordinances, and also just general cleanup in areas that weren't clear on exactly what permits were required. So in front of you tonight you'll see not only the initial changes that were submitted at first reading but also there was an amendment for additional administration changes before it finally passed out of committee. So at this point I would move the changes that you have before you.

COUNCILWOMAN ADAMS: Second.

PRESIDENT BLACKWELL: There's a second. The amendment has been properly moved and seconded. Is there any further discussion? Hearing none, this is amendment calling for a voice vote. All those in favor say aye?

ALL: AYE

Any opposed?

The ayes have it. **The amendment passes.** Is there any further discussion? Hearing none, we now have the amended ordinance before us, which calls for a roll call vote. Madam Clerk, please open the voting.

## **VOTING RESULT: ITEM 28**

JUDY GREEN: YES  
BARBARA SHANKLIN: YES  
MARY WOOLRIDGE: YES  
DAVID TANDY: YES  
CHERI HAMILTON: NOT VOTING  
GEORGE UNSELD: YES  
KEN FLEMING: EXCUSED ABSENCE  
TOM OWEN: YES  
TINA WARD-PUGH: YES  
JIM KING: YES  
KEVIN KRAMER: YES  
RICK BLACKWELL: YES  
VICKI WELCH: YES  
BOB HENDERSON: YES  
MARIANNE BUTLER: YES  
KELLY DOWNARD: YES  
GLEN STUCKEL: YES  
JULIE RAQUE ADAMS: YES  
HAL HEINER: YES  
STUART BENSON: YES  
DAN JOHNSON: YES  
ROBIN ENGEL: YES  
JAMES PEDEN: YES  
MADONNA FLOOD: YES  
DOUG HAWKINS: YES  
ELLEN CALL: YES

THE CLERK: There are 24 yes votes and to not voting, Councilwoman Hamilton and Councilwoman Fleming.  
PRESIDENT BLACKWELL: Thank you. **The ordinance as amended passes.** Madam Clerk, a reading of item 29.

29. O-89-04-07 (S) AN ORDINANCE ENACTING A NEW CHAPTER OF THE LOUISVILLE/JEFFERSON COUNTY METRO CODE OF ORDINANCES [LMCO] RELATING TO PARADES AND PUBLIC ASSEMBLIES; AND AMENDING LMCO 99.03(11) RELATING TO NOISE EMANATING FROM PARADES [AS AMENDED].

**Status:** On Council Agenda - Old Business  
**Committee:** Transportation/Public Works  
**Primary Sponsor:**  
Rick Blackwell  
Kelly Downard

COUNCILMAN ENGEL: Motion to approve.

COUNCILMAN PEDEN: Second.

PRESIDENT BLACKWELL: It has been properly moved and seconded. Is there any discussion?  
Councilman Heiner?

COUNCILMAN HEINER: Thank you, President Blackwell. This ordinance also is a reenactment ordinance like the previous one. It was in committee for a couple of sessions. The changes before you were presented by the county WILLIAM O'BRIEN were actually pulled the parades and public assemblies out of a different area of the Code of Ordinances and made it its own ordinance. So it's very clear, easy to find. There is a couple of substantive changes and under the definition of public assembly, we limited it there was

a change there limiting it to not any public assembly of 25 persons but only public assemblies that interfere with pedestrian or vehicular traffic, basically something that's regulated by government so that you could still have the family reunion at Cherokee Park and not get a public assembly, and make that clear that a public assembly permit would not be required.

One other area that was maybe a policy clarification was object spontaneous where something happens in the news and a group of people come together to voice their opinion on something that has happened if there is no organizer, they don't have to have a permit because it's sort of hard to pin down the person that should have gotten the permit. Maybe it's clear, but before where they were required to have a permit. So those are really the only two changes. Mr. President, with that, I would like to move this amendment as it exists before everyone here.

COUNCILMAN PEDEN: Second.

PRESIDENT BLACKWELL: I have a second. The amendment has been properly moved and seconded. Is there any further discussion? Hearing none, this is an amendment calling for a voice vote. All those in favor say aye?

ALL: AYE

Any opposed?

The ayes have it. **The amendment passes.** Is there any further discussion? Hearing none, we have the amended before us, which calls for a roll call vote. Madam Clerk, please open the voting.

#### **VOTING RESULT: ITEM 29**

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

DAVID TANDY: YES

CHERI HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: EXCUSED ABSENCE

TOM OWEN: YES

TINA WARD-PUGH: YES

JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: YES

GLEN STUCKEL: YES

JULIE RAQUE ADAMS: YES

HAL HEINER: YES

STUART BENSON: YES

DAN JOHNSON: YES

ROBIN ENGEL: YES

JAMES PEDEN: YES

MADONNA FLOOD: YES

DOUG HAWKINS: YES

ELLEN CALL: YES

THE CLERK: There are 25 yes votes and one not voting, Councilwoman Fleming.

PRESIDENT BLACKWELL: Thank you. **The ordinance as amended passes.** Madam Clerk a reading of item 30.

30. O-158-07-07 AN ORDINANCE CHANGING THE ZONING FROM R-5 SINGLE-FAMILY RESIDENTIAL TO EZ-1 ENTERPRISE ZONE AND THE FORM DISTRICT FROM NEIGHBORHOOD TO SUBURBAN WORKPLACE ON PROPERTY BOUNDED GENERALLY BY I-65, PRESTON HIGHWAY, NORTON AVENUE AND ORANGE DRIVE, GENERALLY REFERRED TO AS THE EDGEWOOD AREA, CONTAINING APPROXIMATELY 260 ACRES AND BEING IN LOUISVILLE METRO (CASE NO. 9018).

**Status:** On Council Agenda - Old Business

**Committee:** Planning/Zoning, Land Design & Development

**Primary Sponsor:** Tom Owen

PRESIDENT BLACKWELL: Do I hear a motion for approval

COUNCILMAN OWEN: So moved.

COUNCILWOMAN HAMILTON: Second.

PRESIDENT BLACKWELL: Item has been properly moved and seconded. Is there any discussion? Councilman Owen?

COUNCILMAN OWEN: Yes, thank you, Mr. President. This came to us from the administration as well as the air board. This is essentially one step in the way one step toward the redevelopment of what we once knew as the Edgewood Neighborhood. That was one of those neighborhoods that were involved in airport expansion. Edgewood would be on the southeast sector of the general Louisville International Airport on the east side of Interstate 65. That 260-acre former residential area is now significantly vacated by the voluntarily relocation program that the airport air board has been involved in. There are still some -- few -- residents still living in the area. And they are not required to sell their land for redevelopment. The air board and local government continues to work with them to prevent -- continue to provide essential urban services, but they are not required to sell. But this is preparing that land for redevelopment, since there are already significant zones that are ready for redevelopment. So we are moving the zoning from R5 to EZ-1 and we're removing the -- we're moving the form district from Neighborhood to Suburban Workplace. So this is a step in the direction of redeveloping that area, which we new as Edgewood, to airport-related industry and commercial development.

PRESIDENT BLACKWELL: Thank you. Is there any further discussion? Councilman Kramer?  
I'm sorry. I thought you were on.

COUNCILMAN KRAMER: As a person requesting to speak in oddly enough, I have not. Thank you, Mr. President.

PRESIDENT BLACKWELL: Councilman Heiner?

COUNCILMAN HEINER: Thank you. Mr. President, we are often mistaken.

Thank you. I will be abstaining from the discussion on this item to avoid the perception of any conflict of interest with my business interests.

PRESIDENT BLACKWELL: Councilman Johnson?

COUNCILMAN JOHNSON: This is in my district and I support it.

PRESIDENT BLACKWELL: Any further discussion? Hearing none, we have the ordinance before us which calls for a roll call vote. Madam Clerk, please open the voting

#### **VOTING RESULT: ITEM 30**

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

DAVID TANDY: YES

CHERI HAMILTON: YES

GEORGE UNSELD: YES

KEN FLEMING: EXCUSED ABSENCE

TOM OWEN: YES

TINA WARD-PUGH: YES  
JIM KING: YES  
KEVIN KRAMER: YES  
RICK BLACKWELL: YES  
VICKI WELCH: YES  
BOB HENDERSON: YES  
MARIANNE BUTLER: YES  
KELLY DOWNARD: YES  
GLEN STUCKEL: YES  
JULIE RAQUE ADAMS: NOT VOTING  
HAL HEINER: ABSTAIN  
STUART BENSON: YES  
DAN JOHNSON: YES  
ROBIN ENGEL: YES  
JAMES PEDEN: YES  
MADONNA FLOOD: YES  
DOUG HAWKINS: YES  
ELLEN CALL: YES

THE CLERK: There are 23 yes votes, one abstention from Councilman Heiner, two not voting, Councilwoman Fleming and Councilwoman Adams.

PRESIDENT BLACKWELL: **The ordinance passes with one abstention.** Madam Clerk a reading of Item 31.

31. O-138-06-07 AN ORDINANCE AMENDING THE CORNERSTONE 2020 COMPREHENSIVE PLAN TO INCORPORATE THE TAYLORSVILLE ROAD AREA LAND USE AND TRANSPORTATION STUDY, AND DIRECTING THE PLANNING COMMISSION TO IMPLEMENT THE STUDY RECOMMENDATIONS AND REPORT ACTIONS TAKEN TO THE METRO COUNCIL (DOCKET NO. 8944).(AS AMENDED)

**Status:** On Council Agenda - Old Business  
**Committee:** Transportation/Public Works  
**Primary Sponsor:** Stuart Benson

PRESIDENT BLACKWELL: May I have a motion for approval?

COUNCILMAN ENGEL: So moved.

COUNCILMAN JOHNSON: Second.

PRESIDENT BLACKWELL: Thank you. The item has been properly moved and seconded. Is there any discussion? Councilman Heiner?

COUNCILMAN HEINER: Yes, thank you, President Blackwell. This item was a matter of extensive discussion, intense at times, concerning the Urton Lane corridor, which is part of a network inside the Gene Snyder Freeway that eventually should extend from Shelbyville Road to Bardstown Road. Our community in some areas may be 10 or 20 years behind times in that planning has not taken place to tie down routes for roads that will be needed in the future as these rural areas build out. In this particular case, we are maybe months, a year ahead of the proposals for major projects in this area. The planning commission is sending to us their recommendations, they hired a consultant, QK4 and they're sending to us their recommendations. As part of that, their public hearing was in June, and they've forwarded this to us. At the council, there were many amendments to the Executive summary. This is the summary that would be added to Cornerstone 2020 and be a guiding document, not a formal legal agreement cast in stone but a guiding document for the planning

commission in future decisions in the area. I'd like to move this amendment but I'd like to mention the items that are in the amendment. This is a committee amendment. These items relate specifically to St. Michael Church that is really the only developed property in the area that has the potential for significant impact. Most of the other property owners are vacant. This first area when it talks about alignment, it says Louisville Metro shall resolve the alignment across these properties by seeking agreement between the developers of the properties and St. Michael Church. So at that point, here at the council, we try to resolve that St. Michael has an equal seat at the table. In another area, we said that Louisville Metro will work with all affected properties to reduce the impact to property values and minimizing the right of way required to adequately design the road. In other words, how tight can we get the right of way down to take as little property as possible? And that's in the executive summary. Next item that was changed, prior to Louisville Metro approval of any changes, traffic studies demonstrating the functionality of the proposed street network must be prepared and these shall demonstrate acceptable functionality for all uses in the area prior to the approval by Louisville Metro. So this guide here, this is a guiding document, that says Louisville Metro Public Works would be the agency should not approve a traffic plan unless all uses which would include St. Michael, existing Kroger shopping center, that they had acceptable functionality after the completion of this corridor. In an earlier part that was in here, it was talking about buffering for St. Michael must be provided. There was a section that was added, an alternate access for Saint Michael from the north end of their property, essentially a second entrance onto Urton Lane is recommended. Again, today they have one entrance, but it's slightly used so it works well, is my understanding. But with more development in the area, a second entrance another cross connection would be beneficial and may be mandatory.

There's another area that's real important that this corridor will also be used by people getting to and from the Bluegrass Industrial Park. But to keep this from being overloaded, some entrance either onto the Gene Snyder or onto I-64 for the east end of the business park will be important so that that traffic doesn't use this corridor and clog up all of its capacity. So there's a section here that says the Rehl Road I-265 interchange or other road connections providing for disbursement of business park traffic should be complete before the railroad overpass is built. And this railroad overpass is what then connects to the north and the business park. And, finally, the plan as we received it called for a potential for another connection across St. Michael's over to Tucker Station Road, which lies to the west. And because that area is built out now with an Immediate Care Center, the Kroger center, St. Michael's plans for a new sanctuary on the route that that road would take and the planner's feeling that this wasn't mandatory and even some question in their mind whether it was needed, that was struck from the summary. So a lot of work went into this as you heard from our speakers tonight and by the committee. At this point I move this amendment to the executive summary.

COUNCILMAN ENGEL: Second.

PRESIDENT BLACKWELL: Thank you. It's been properly moved and seconded. Is there any further discussion? Councilman King?

COUNCILMAN KING: Thank you, Mr. President. All I wanted to do was talk about my thinking on this. I'm on the Planning and Zoning committee. I'm just very concerned, to some extent that we've got the tail wagging the dog here a little bit because we're trying to plan for a town center and put it someplace that the planning commission thinks it's appropriate. But we're somewhat then forcing a square peg into a round hole by bringing the road in through plan B into a certain location to kind of make the town center. And I just -- I'm not comfortable supporting or voting for something like that tonight. I don't like dictating option B. And I'm just going to be voting against it.

PRESIDENT BLACKWELL: Councilman Benson?

COUNCILMAN BENSON: Thank you, Mr. President. I'd like to apologize for St. Michael's and all the people in my area, District 20 happens to be the largest district in the metro. And one of our problems is where our roads are going to be. And six months ago, 11 different pieces of property wanted to be commercial on Taylorsville Road. We had a subdivision that I opposed that was approved, South Pope Lick Road and Taylorsville Road. If you want people to be happy and not always in a road rage, you got to find out how people can get around. And to me one of the biggest important part of our community, especially in the district 20, we need to pencil in where our roads are going to be. So this study came about and it looks maybe sneaky like we're trying to pass something through and we shouldn't be causing people anxiety, we're supposed to make government better to make people's lives better. So in that sense, we are behind. And we kind of pushed this. And it looks like we're trying to get a lot of things done. And people are uncomfortable.

But I believe the biggest problem in our area, and people 40 years ago, Jeffersontown built an industrial park. There's about 50,000 people working this industrial park. Great asset. We have to have places for people to work if we want our community to grow. And that's one of the things -- I'd like to have my grandkids live in our community. We've got to have a place to work. But we don't want road rage every time people leaves work and have to go home or go to work. And so the problem this corridor will have if we don't deal with industrial traffic. Interchange at 265. Interchange on 64 probably. Watterson Trail three lanes or four lanes. Billtown Road, three lanes or four lanes. Taylorsville Road, five lanes. These are all two-lane roads that are dealing with people going to work in an industrial park. And so we really need to sit down and figure out what we've done in the past is we've tried to wait until somebody wants to develop something and we tried to extort or steal or something. I hate -- people don't think that's right, or think that I should say that, but when you take something from somebody that they don't want to give up and you hold something over somebody's head for zoning situation, it's not a positive situation. We need to pay, we need to compensate people for right of way, for easements. We're trying to work on ways to make sure we can get right of ways and easements before that time comes. And so this study is kind of saying hey, this is where we think the roads should be before we have the zonings changed. But if anybody's heard what happens tonight, St. Michael's, they trust us. I mean -- I don't know if they trust us. They want to trust us. You know the language is not what they want. They're kind of nervous. And maybe government of the past and maybe government in the future, I hope not, that we do the right thing. We make sure that we hear and we do what we should be doing. Churches, that's a cornerstone of our community. And we need to make sure that we hear and they're nervous about the language, but they're going to go along. They're part of the community who wants to make the community a better place. And I believe in my heart that this is going to be really positive thing. But we're going to deal with the industrial road traffic. We're going to deal with all kinds of stuff for this corridor ever happens. And not just this corridor. We need other ways. Tucker Station is a vital part of the inside of the corridor. We can't get money because of federal funding. But it's a road that needs to be improved. And so in the process, St. Michael's and all the people on this area, some of you on the council have heard from them. They've emailed you. And I appreciate it. To me the best government is everybody knows what's going on and have a voice. And so we need to make sure that we do what we're supposed to do and they make sure that we do. That they keep us humble and honest of government function. Tonight I voted to move the time to 5 o'clock. And then come to find out here we have a -- and they think it's 6:00. Well, that automatically makes people think, oh, boy, they're sneaking something. And that's wrong. And I apologize for that. I'll never do that again. And so I think this is a great study. I believe that this is going to work. But David Miles, Bill Zoeller, Paulette Adams from St. Michael's, outstanding. Don Reid, really been important. Rick Storm from Public Works and Ted Pullen from Public Works. Charles Cash, all these people have really worked hard. And they've got the right idea of trying to make sure that everybody benefits. And so, I want to thank everybody for helping me. I need help. I want everybody to know what's going on. Government is of the people and for the people. I want this, I want government to do what it's supposed to do. My job is to serve. And I hope that we don't let anybody down. And so I'd like to see if you all would vote for this tonight because this is going to help us get going on the future of development in our area. Thank you.

PRESIDENT BLACKWELL: Councilman Downard?

COUNCILMAN DOWNARD: Thank you, Mr. President. I think what we're seeing is something that all of us experience. And it's now happening in district 20 and that is the planning process goes through, you find an item or a potential change that causes great concern and a lot of anxiety. I think the process we started when we changed into merged government was to have the ability of residents that are going to be affected by zoning changes to be heard, to be told something's going to happen, then to be heard and to be listened to. I think if what I heard tonight was that there is -- that process has continued to work so far. That the people involved, the residents involved, many of you are here tonight, feel that it has been a valid process to an extent. There is part of it you think hasn't happened yet. And I would only say to you that this -- at least my observation over five years has been that our Public Works Department and our Planning and Zoning Commission and our Planning and Zoning Committee, I might add, who work pretty hard on these things, do listen. I can probably be sure that everyone will not be 100 percent happy, but I think -- and our goal is to insure that you're happy with the process. I think if the past several months are an example of what you can expect, then the next several months should provide you with the answers that you would like to have. I know that there is some additional wording that was requested tonight. We have timeframes that we work with on planning and zoning which means we can't wait too long. And we're up against a wall where it becomes law

without our consent. We have made many changes and I think those are valid and therefore when we act tonight, don't quit letting us know how you think. I mean I get the emails. I'm not in District 20 but I get them. And I get them for a valid reason. So don't hesitate to keep communicating. But I would say I would expect that you will get the same kind of cooperation from planning and zoning and from public works and from government that you've gotten in the last three months or four months or five months, it seems like forever. But it's been really about three months of extensive work. And if it doesn't happen, I will be very surprised because I've seen it happen four or five times very seriously in my district where it was just an issue that was of great concern to people who live next door to a zoning change. In this case you have also a church congregation. And that is very critical because you've been there forever. I had a parish when I was growing up, got one now but it's a cathedral so it doesn't have a lot of land. But you expect it to remain and to grow. If you have plans to grow, I can't help but to believe that our government will assist you in allowing the parish to grow and at the same time fulfilling the needs that they have for this development. If that doesn't happen, I can't help but be very surprised. And it would help, Councilman Benson, if we were to go back and try to reverse something. I think it will. I just have to ask you have some faith. Not in what we say. I would never ask you to believe what government tells you. Believe what government's done for you in the last three months and let that go. Thank you, Mr. President.

PRESIDENT BLACKWELL: Any further discussion? Hearing none, this is an amendment calling for a voice vote. All those in favor say aye?

SOME: AYE  
Opposed?

SOME: No.

PRESIDENT BLACKWELL: The ayes have it. Is there any further discussion?  
Councilman Heiner?

COUNCILMAN HEINER: Mr. President, just quickly, this Executive Summary is just over one page long, but there is actually an extensive study that this summary will just refer to. All of the changes that you see on the executive summary have been changed back in the study that's now dated July 2007. I just wanted that date in the record.

PRESIDENT BLACKWELL: Thank you for the clarification. Any others? Hearing none, we now have the amended ordinance before us, which calls for a roll call vote. Madam Clerk, please open the voting.

### **VOTING RESULT: ITEM 31**

JUDY GREEN: YES  
BARBARA SHANKLIN: YES  
MARY WOOLRIDGE: ABSTAIN  
DAVID TANDY: YES  
CHERI HAMILTON: YES  
GEORGE UNSELD: YES  
KEN FLEMING: EXCUSED ABSENCE  
TOM OWEN: YES  
TINA WARD-PUGH: YES  
JIM KING: NO  
KEVIN KRAMER: YES  
RICK BLACKWELL: YES  
VICKI WELCH: YES  
BOB HENDERSON: YES  
MARIANNE BUTLER: YES  
KELLY DOWNARD: YES  
GLEN STUCKEL: YES  
JULIE RAQUE ADAMS: YES  
HAL HEINER: ABSTAIN  
STUART BENSON: YES



DAN JOHNSON: YES  
ROBIN ENGEL: YES  
JAMES PEDEN: NO  
MADONNA FLOOD: YES  
DOUG HAWKINS: YES  
ELLEN CALL: YES

THE CLERK: There are 22 yes votes, two no votes, one from Councilman King and one from Councilman Peden, one abstention from Councilwoman Woolridge, one not voting from Councilwoman Fleming.

PRESIDENT BLACKWELL: Thank you. **The ordinance as amended passes.** We now move on to New Business, which consists of –

COUNCILMAN KRAMER: Point of order. Point of personal privilege.

COUNCILMAN KRAMER: I'd like to request a five-minute recess, please.

PRESIDENT BLACKWELL: Without objection, we have a five-minute recess.

### **RECESS**

PRESIDENT BLACKWELL: Resume our meeting, please. We now move on to new business, which consists of items 32 to 55. Madam Clerk, a reading of those items and assignment to committee.

COUNCILMAN TANDY: Point of order, Mr. President?

PRESIDENT BLACKWELL: Yes, Councilman Tandy?

COUNCILMAN HANDY: Councilman Tandy?

COUNCILMAN HANDY: I believe there is a discharge petition that has been brought before this council and would move to have that matter considered at this time prior to moving to new business.

COUNCILWOMAN WOOLRIDGE: If that's in the form of a motion, I'll second it.

PRESIDENT BLACKWELL: I was presented with a discharge petition. And that is not on our agenda, though. The items that are on the agenda, I think, should be addressed first. But if it is the will of the council members that we address that first, then we can do so. At this point, my ruling would be that we would go with the items that are actually on the agenda, which would be the next items, which would be the new business.

PRESIDENT BLACKWELL: Yes, Councilman Engle?

COUNCILMAN ENGEL: I'm not sure exactly how this is going, but believe you said if it was the will of the council to take up an issue, that is probably everybody's has been waiting to discuss. And I thought perhaps you might reconsider that we discuss that now rather than shooting through the new business.

PRESIDENT BLACKWELL: We can do that.

COUNCILMAN ENGEL: I appreciate it.

PRESIDENT BLACKWELL: I was presented during the meeting of the Committee of the Whole just before our meeting tonight a discharge petition to remove an ordinance sponsored by Councilwoman Tina Ward-Pugh from the Budget Committee pursuant to rule 7.10, it is signed by the required 14 members and it is presented to the Chairwoman Councilwoman Flood.

COUNCILWOMAN FLOOD: I haven't gotten that.

PRESIDENT BLACKWELL: Coming to you right now. However, our rules require, under 6.01 that items for consideration be placed upon the agenda. To suspend rule .6.01 rule 5.12 requires the suspension to be in writing signed by all members present. You have been provided with a copy of the applicable rules. Unless there is a signed petition by all members, this item will be referred to the next council meeting.

COUNCILMAN TANDY: Thank you, Mr. President. I believe there may actually be a conflict within our own rules. And if that's the case, then that would be an issue that we need to decide as a body as to which direction we go. In particular, I point to rule 4.11 of our rules, which states that, well the first thing it says is "the committee shall report all matters referred to them by the council without unnecessary delay." The second sentence says "if the council desires to remove an item from the jurisdiction of the committee it may at a regular meeting of the council discharge it from the further consideration of the matter." As I read that and under the current situation that we are dealing with right now, that is in fact the situation that we are dealing with, that the council is seeking to discharge a particular matter from a committee and bring it before the body for consideration. So with that conflict being there, at least in my perception, it then would turn to -- well I guess let me say it like this. I am now seeking clarification as to which rule is controlling in this particular matter.

PRESIDENT BLACKWELL: And I will refer to our legal counsel.

WILLIAM O'BRIEN: Mr. President, Councilmembers, I appreciate this opportunity to review the rules of the council and I'm sure each and every one of you has a copy there. I think that 4.11 read in conjunction.

COUNCILMAN HENDERSON: Point of order. Can't hear you.

WILLIAM O'BRIEN: Didn't Councilman Downard have some problems with this one the other day? Can you hear me now?

COUNCILMAN DOWNARD: It echoed.

COUNCILMAN KING:

WILLIAM O'BRIEN: That's correct. Mr. King, it did.

WILLIAM O'BRIEN: If you take a look at your rules, I assume everyone does have a copy of the rules. 4.11 does deal with discharge and so does 7.12 -- no, 7.10, excuse me, deal with the discharge. 7.10 deals with the discharge from the committee in reference to the chairperson. And 4.11 deals with the council as a whole seeking a discharge. I believe a reading can be made that they are not inconsistent to the extent that 14 members wish to have something placed upon the agenda prior to the Monday, they could use rule 7.10 to go ahead and present to the chairperson a petition signed, because it really doesn't get presented to the president of the council. It gets presented to the chairperson. The chairperson is then under obligation to forthwith present to the clerk, who would then place it upon the agenda. Assuming that that's not done, you could go to rule 4.11, and any person, by motion, it would appear, since it's silent, could go ahead and request a discharge from a committee of any matter. However, at that point in time, I think once it is discharged, it then would have to go to the agenda. Here, there is no question that it is a new matter that was not on the agenda. So we look at 6.01. And 6.01 seems to state that -- if I can find it here -- the clerk shall receive all ordinances and resolutions to be enacted at any regular meeting. This of course is a regular meeting and not a special meeting by Monday at noon. And then she is to, excuse me, the clerk is to prepare a tentative agenda and be distributed by 5:00. To void that rule, according to 5.12, it appears that -- and it is the only one that you all, when you passed these rules, specifically stated required a written petition. Now, again, the President is making a ruling. I only caution that your actions after this set what the law is. So if it is determined that 14 may relieve any committee on the day of a council meeting of an issue and have it voted on, that is the extreme matter, if you take it that way. Because if a vote results today, 14 could then control any matter and it only requires two readings. That is one interpretation. You all must vote and set the precedent on how you want to operate the council. So because the overflow of all this, as we recognize in the

U.S. Senate, is always rules. I do enjoy rules because rules are your friend, as a golfer tells me. You can get away with anything if you know the rules. But you may overrule all these and say that what you wish to occur tonight, a vote on that issue can occur. By precedent, then, you have overruled those rules and you have established that 14 may discharge and have a hearing at any time. And I only caution you on that. They're your rules. And they are good. So that's all I would have to say.

COUNCILMAN TANDY: Mr. President, if I might follow-up since we have Mr. O'Brien here.

PRESIDENT BLACKWELL: Councilman Tandy?

COUNCILMAN TANDY: So to ask the follow-up question to that, then. If its determined by this body that we're not seeking to -- since we do have 14 votes, to essentially put it on the agenda today -- tonight.

COUNCILMAN TANDY: Tonight. Then does that mean that the item is now, then, before -- will be before us at the next council meeting? Or is there a requirement, then, that the discharged petition has to be done a second time?

WILLIAM O'BRIEN: No. I believe this discharge petition, having been presented to the chairperson, is now before the clerk. And the clerk must place it on the next agenda, the council agenda. What I'm not sure of the President's exact ruling, and I think you all need to make sure you listen to the words in the way you vote, but if your vote, as a practical matter, says that the discharge petition can be made -- and I just use tonight as an example, that it can be made a couple hours before a council -- regular council meeting, then an issue must be voted on, then that's your determination. But I do think it does set some precedent. And I'm not sure you want to set. But then again, 14 of you at the next time when it comes up can say "oh no, we didn't mean that." but then what you're saying is your rules are not mandatory, they're just a direction.

PRESIDENT BLACKWELL: Just for clarification sake, so I think what you're saying is had the signatures been obtained and the petition actually been given to Councilwoman Flood prior to Monday at 11 o'clock, then Councilwoman Flood would have been obligated to give that to the clerk, and then it would have appeared on our agenda today and we would have been okay to vote on it tonight.

WILLIAM O'BRIEN: Correct. I believe so.

PRESIDENT BLACKWELL: Given the fact that that's not what happened, that we got it -- Councilwoman Flood just received it.

COUNCILWOMAN FLOOD: I didn't know anything about it.

PRESIDENT BLACKWELL: Then --

WILLIAM O'BRIEN: I would believe that it would go to the next agenda. But then, I don't make the decisions.

PRESIDENT BLACKWELL: The next council. Not committee agenda but council agenda.

WILLIAM O'BRIEN: The council agenda.. That is a discharge of that committee of her -- that is a completed act. And the only issue is: When does the council take it up.

Do they take it up tonight?

Or do they take it up at the next regular meeting?

Or special meeting if one was to be called. But it's been discharged from hers. You can under 4 .11 say take a vote and say -- it could already be discharged. That would be redundant.

PRESIDENT BLACKWELL: It will appear on the next council meeting agenda.

WILLIAM O'BRIEN: I believe that will be a reasonable interpretation of the rules.

PRESIDENT BLACKWELL: Councilman Tandy?

COUNCILMAN TANDY: Thank you, Mr. President. And Mr. O'Brien, thank you for your explanation of the rules. One of the interesting things, or at least when we came on to, or at least when I came onto the council and trying to gain a better understanding of how we operate as a body, it was explained to me that we as a body were intended to operate more like the Senate in the sense that we're more of a deliberative body as opposed to more of a reactionary body, more like the House of Representatives is set up. In this case here, if we're interpreting using Attorney O'Brien's interpretation of the rules, and it is in that spirit in which our rules were drafted, then the action of bringing this particular matter out of committee, putting it on the agenda for the next council meeting, allows for the deliberative process to continue to progress while at the same time not allowing a particular item to languish and to linger unnecessarily. And so with that being said, if I'm understanding the ruling of the -- well excuse me, of the interpretation of the County attorney correctly, then this matter will be before us at the next council meeting, and we will be voting on this particular matter. Is that correct?

PRESIDENT BLACKWELL: That is my understanding, yes.

WILLIAM O'BRIEN: If I could, it should be your ruling.

PRESIDENT BLACKWELL: It is my understanding and it is my ruling. Actually I think I said that prior to our discussion. Councilman Downard?

COUNCILMAN DOWNARD: Thank you, Mr. President. I was one of the 14 people I think that signed that. And I think most of us were under the impression that if we did that, it would come before tonight. And there's great trepidation with changing what a rule says. We thought, at least that's how it was explained to me, that that would be the proper thing. If it's not, I have great anxiety about making leaps of interpretations. So if I understand, then, that it's sitting in your office until two weeks from now at which time we'll bring it up? And I am comfortable with that ruling.

PRESIDENT BLACKWELL: Councilwoman Woolridge?

COUNCILWOMAN WOOLRIDGE: Thank you, Mr. President. What I'm going to be comfortable with is really knowing what the rules are because Mr. O'Brien, I believe I heard you say, and you said hundreds and hundreds of times, with 14 votes, we can pretty much do anything we want. And then, I am totally confused regarding the two rules, rules 4.11 and rule 7.10. Now -- let me not misunderstand you. With 14 votes, and I'm one of the ones that signed the petition because I think this is really issue I am ready to put it to bed and get on with the rest of the business that the city has elected us to do. But let me understand if it is the wish of 14 members of this council that signed this petition tonight are you telling me that we cannot have this on the agenda tonight? That we're only moving it from the budget committee?

WILLIAM O'BRIEN: If I may, Mr. President, address that question.

PRESIDENT BLACKWELL: Absolutely.

WILLIAM O'BRIEN: If you decide to overrule the interpretation in ruling of the President of the Council, it only takes 14 of you. And so, again, I always liked my number one rule. It only takes 14 of you to go ahead and change the rules.

COUNCILWOMAN WOOLRIDGE: That helps me. Thank you. Thank you, Mr. President.

PRESIDENT BLACKWELL: Councilwoman Ward-Pugh?

COUNCILWOMAN WARD-PUGH: Thank you, Mr. President. Many -- actually most of us were on this Metro Council as we began to formulate these rules. I think all of us, in earnest, were trying to set up rules that would govern us and guide us and direct us.

But we paid particular attention, I think, in some areas to insure that a simple majority could not at any moment in time whoever those 14 might be change the manner in which we do business here. And so, while I am prepared to speak to this item and this discharge petition tonight, I won't be supporting this discharge petition effort purely because the integrity of the institution, in some ways, can only be preserved by a super majority. And I'll remind this body that 14 votes currently is in the hands of one particular party. And that if we set precedent tonight by allowing that to be the case, that means in the future, that can happen over and over again. And I'm a member of that party. And I think that would be horrendous. I think that would be a huge mistake. I don't think that would allow for all the voices in all the parties who make up this Metro Council to be fairly treated or to, at least in the future, have to worry about: Is everything that's in the committee that's not been passed out subject to 14 members bringing it out and us voting on it? While I appreciate Mr. O'Brien's interpretation on both accounts, including 14 members can do anything, I don't happen to believe that it is always the best thing. And I would caution us to not go down that road tonight. Thank you.

PRESIDENT BLACKWELL: Councilman Kramer?

COUNCILMAN KRAMER: Thank you, Mr. President. And I truly appreciate the eloquence with which my colleague from district 9 just spoke. I had punched in the button for the viewing public's awareness because I wanted to say exactly what she said only I could not have said it nearly as eloquently. I think most of the folks who have worked with me both here and outside of here have heard me say on more than one occasion that I stand on process. They've also heard me say that I believe that rules are made to be followed and that the only time you change the rules is when you sit down and discuss the rule and then change the rule because it's a bad rule. Changing the rules because they don't allow you to do what you want to do in the moment I think is a horrible, horrible mistake. Unlike my colleague from district 9, I'm in the minority, and I'm painfully aware of what that would mean, not only for me, and not only for my caucus that happens to be currently in the minority, the decision that we make here will be precedent for now on. I would simply point to those of you who are students of history to any legislative body in these United States. Majorities change. It's a bad idea to change rules because we want to do what we want to do at the time we want to do it. We need to follow the rules. If it's not clear what the rule says, I believe it's better to err on the side of caution than to make the mistake of setting precedent. So as much as my colleague from district 9, I'm sure Councilwoman Ward-Pugh wouldn't mind me using her name. As much as Councilwoman Ward-Pugh would like to debate this issue to vote one way to night, I would like to debate this issue so I can vote another way. However, the process itself I think needs to be addressed and I'm imploring my colleagues please err on the side of caution. Let's interpret the rules very carefully, not just for tonight, but for the future. Thank you, Mr. President.

PRESIDENT BLACKWELL: Councilwoman Flood?

COUNCILWOMAN FLOOD: Thank you, Mr. President. And to my colleague from District 9, who came to me and asked me to hold this in committee because she is the sponsor of this item and could not be there to talk to it, neither was Mr. Blackwell, who is the other cosponsor, I think there's a certain amount of respect that's due every Councilperson, whether we agree or like what they put in front of us, to let it go through the system. And as far as I was concerned, Miss Ward-Pugh, were you objecting to us hearing it Wednesday at the next budget meeting?

COUNCILWOMAN WARD-PUGH: No.

COUNCILWOMAN FLOOD: Amazing. Be careful what you wish for. Simply because, I think, how many of you have come to me -- Mr. Fleming, who is not here tonight, and Miss Ward-Pugh actually asked me to hold another piece of legislation because they couldn't be here to address it. So are we to take it, then, on our NDF funds if we can't make it to Appropriations, then it won't be heard? Just simply because we're not there?

PRESIDENT BLACKWELL: Councilman Peden?

COUNCILMAN PEDEN: Thank you, Mr. President. I'm going to again concur with Councilwoman Ward-Pugh and Councilman Kramer that the precedent we set here tonight should be thought of very carefully. And although my name is on the discharge petition, I am very hesitant to tweak any rules and set up anything. So if it ultimately, for those folks out there who are counting votes in their heads trying to see where this is

headed, although my name is on that petition, I would vote no at this point to overrule the Chair. And I've also apparently -- if you confirm at this point that this is now out of committee and will be considered at the next meeting two weeks from now, there is no way to get away from that, which is the direction we want it to head, anyway.

PRESIDENT BLACKWELL: If you're asking me to confirm that I can confirm that.

COUNCILMAN PEDEN: Just a nod, thank you.

PRESIDENT BLACKWELL: Councilwoman Shanklin?

COUNCILWOMAN SHANKLIN: I, too, would like to see it go through the process, even though my name is on it, also. And I don't want to look like the bad as it looks now that we the bad guys all the time. But we have opinions just like the other half does. So I would like to see it go through the process. Whatever happens Wednesday happens. We'll vote on it -- or next Thursday or whenever it is.

COUNCILWOMAN FLOOD: Unless they revoke their name?

WILLIAM O'BRIEN: I'm sorry, Mr. President. The petition has been presented. It is act complete

COUNCILWOMAN SHANKLIN: Whatever happens, happens. If we have to look like the bad guys, I'm sorry. Sometimes you do look like the bad guys but we all have opinions.

PRESIDENT BLACKWELL: I think we're ready to move on. I think everyone is in agreement. Councilman Henderson?

COUNCILMAN HENDERSON: I'm going to make one comment. I hope the public watching today will see what the purpose of this , what's trying to be done, educate yourself, and make sure you realize this is your council people doing these things. Whether you like it or don't like it, you can voice your opinion to them.

PRESIDENT BLACKWELL: Councilwoman Woolridge?

COUNCILWOMAN WOOLRIDGE: Thank you, Mr. President. I want to go back and although sometimes, as the chair of these various committees, we are asked to hold legislation; however, I want to emphasize this, that I want to make it kind of strong, that with 14 votes, we can get a discharge petition regardless of what the sponsor has asked. And I want the listening public to understand that we're doing things within our rules here tonight. Thank you, Mr. President.

COUNCILWOMAN SHANKLIN: Mr. President?

PRESIDENT BLACKWELL: Councilwoman Shanklin?

COUNCILWOMAN SHANKLIN: I have one more comment to make for the viewing public. This ordinance is coming about to me means a loss of jobs for some people here. And there is a concern. And I will vote the way I would like to see people keep their jobs. And I want the viewing public to know I am not for anyone losing their jobs.

PRESIDENT BLACKWELL: Councilwoman Call?

COUNCILMAN CALL: I would just like to call the question, please.

PRESIDENT BLACKWELL: I don't think there is a question at this point. I think we're all in agreement and if so we can move on. It appears on next Thursday's agenda. Madam Clerk, will you insure that?

THE CLERK: Yes, sir.

## **NEW BUSINESS:**

The next item of business is New Business, which consists of Items 32 to 55. Madam Clerk a reading of these items and their assignments to committee.

32. R-124-07-07 A RESOLUTION OF INTENTION TO ISSUE REVENUE BONDS FOR THE PURPOSE OF FINANCING THE ACQUISITION AND REHABILITATION OF CERTAIN PROPERTY FOR THE BENEFIT OF VG REED & SONS, INC. AND AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT WITH THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT.

**Status:** On Council Agenda - New Business  
**Committee:** Budget  
**Primary Sponsor:** George Unseld

33. R-125-07-07 A RESOLUTION PURSUANT TO ORDINANCES 111 AND 112, SERIES 2006, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NEW CONTRACT – (FAMILY HEALTH CENTERS, INC. - \$40,000.00).

**Status:** On Council Agenda - New Business  
**Committee:** Contracts/Appointments  
**Primary Sponsor:** Barbara Shanklin

34. R-126-07-07 A RESOLUTION PURSUANT TO ORDINANCES 111 AND 112, SERIES 2006, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NEW CONTRACT – COUNTY EXTENSION SERVICE DISTRICT BOARD-JEFFERSON COUNTY - \$65,000.00.

**Status:** On Council Agenda - New Business  
**Committee:** Contracts/Appointments  
**Primary Sponsor:** Tina Ward-Pugh

35. O-163-07-07 AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE FAMILY RESIDENTIAL TO R5-A MULTI FAMILY RESIDENTIAL ON PROPERTY LOCATED AT 7400 WEST ORELL ROAD, CONTAINING 40.40 ACRES, AND BEING IN LOUISVILLE METRO (DOCKET NO. 9-10-07).

**Status:** On Council Agenda - New Business  
**Committee:** Planning/Zoning, Land Design & Development  
**Primary Sponsor:** Tom Owen

36. O-173-07-07 AN ORDINANCE APPROPRIATING \$14,399 FROM THE DISTRICT 5 NEIGHBORHOOD DEVELOPMENT FUNDS TO GREATER COMMUNITY HOUSING, INC. THROUGH THE DEPARTMENT OF FINANCE AND BUDGET FOR A SECURITY GATE ENTRANCE SYSTEM.

**Status:** On Council Agenda - New Business  
**Committee:** Appropriations, NDFs and CIFs  
**Primary Sponsor:** Cheri Bryant Hamilton

37. O-174-07-07 AN ORDINANCE APPROPRIATING A TOTAL OF \$13,000.00 FROM NEIGHBORHOOD DEVELOPMENT FUNDS (NDF) AS FOLLOWS: \$1,000.00 EACH FROM DISTRICTS 1, 4, 6, 10, 12, 13, 15, 16, 24; \$500.00 EACH FROM DISTRICTS 2, 3, 5, 8, 14, 17, 21; \$300.00 FROM DISTRICT 9; AND \$200.00 FROM DISTRICT 23, TO THE RIGHT INFORMATION AND DIRECTION (TRIAD),

THROUGH THE OFFICE OF AGING AND DISABLED CITIZENS, FOR THE PRODUCTION OF AN 18-MONTH SENIOR CITIZENS CALENDAR.

**Status:** On Council Agenda - New Business  
**Committee:** Appropriations, NDFs and CIFs  
**Primary Sponsor:**  
Barbara Shanklin  
Cheri Bryant Hamilton  
Dan Johnson  
David Tandy  
George Unseld  
Glen Stuckel  
James Peden  
Jim King  
Judy Green  
Kelly Downard  
Madonna Flood  
Marianne Butler  
Mary C. Woolridge  
Rick Blackwell  
Robert Henderson  
Stuart Benson  
Tina Ward-Pugh  
Vicki Welch

38. R-127-07-07 A RESOLUTION AMENDING RESOLUTION 35, SERIES, 2007 WHICH APPROVED THE GRANTING OF LOCAL INDUCEMENTS TO DIGITAL BUSINESS SOLUTIONS, INC, PURSUANT TO KRS CHAPTER 154, SUBCHAPTER 24.

**Status:** On Council Agenda - New Business  
**Committee:** Labor & Economic Development  
**Primary Sponsor:** David Tandy

39. R-128-07-07 A RESOLUTION PURSUANT TO ORDINANCES 126 AND 127, SERIES 2006, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING RENEWAL CONTRACT - (INCENTIVES, INC. - \$20,000.00).

**Status:** On Council Agenda - New Business  
**Committee:** Contracts/Appointments  
**Primary Sponsor:** Judy Green

40. O-175-07-07 AN ORDINANCE APPROVING THE RATES, RENTALS AND CHARGES FOR WASTEWATER AND DRAINAGE SERVICES AND EPA CONSENT DECREE SURCHARGE SET FORTH IN THE RESOLUTION BY THE BOARD OF THE LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (HEREINAFTER "THE DISTRICT") WHICH AMENDS THE DISTRICT'S SCHEDULE OF RATES, RENTALS AND CHARGES FOR WASTEWATER AND DRAINAGE SERVICES PURSUANT TO KENTUCKY REVISED STATUTES CHAPTER 76 AND APPROVING THE PLANS FOR THE PROJECTS TO BE PERFORMED.

**Status:** On Council Agenda - New Business  
**Committee:** Budget  
**Primary Sponsor:**  
Tina Ward-Pugh  
Stuart Benson



41. O-176-07-07 AN ORDINANCE AMENDING AND RE-ENACTING CERTAIN SECTIONS OF THE LOUISVILLE METRO CODE OF ORDINANCES (LMCO) CHAPTER 122 RELATING TO INSURANCE COMPANIES.

**Status:** On Council Agenda - New Business  
**Committee:** Labor & Economic Development  
**Primary Sponsor:**  
Kelly Downard  
Kevin Kramer  
Rick Blackwell

42. O-177-07-07 AN ORDINANCE AMENDING AND RE-ENACTING VARIOUS SECTIONS OF THE LOUISVILLE METRO CODE OF ORDINANCES (LMCO) CHAPTER 50 RELATING TO SEWERS.

**Status:** On Council Agenda - New Business  
**Committee:** Transportation/Public Works  
**Primary Sponsor:**  
Kelly Downard  
Rick Blackwell

43. O-178-07-07 AN ORDINANCE APPROPRIATING A TOTAL OF \$6,000.00 FROM THE FOLLOWING NEIGHBORHOOD DEVELOPMENT FUNDS; \$5000.00 FROM DISTRICT 3 \$500.00 FROM DISTRICT 1, AND \$500.00 FROM DISTRICT 2 THROUGH THE DEPARTMENT OF FINANCE AND BUDGET, TO KENTUCKY CABINET FOR HEALTH AND FAMILY SERVICES AND CATHOLIC CHARITIES OF LOUISVILLE, INC. FOR AN UNDOING RACISM WORKSHOP.

**Status:** On Council Agenda - New Business  
**Committee:** Appropriations, NDFs and CIFs  
**Primary Sponsor:**  
Mary C. Woolridge  
Judy Green  
Barbara Shanklin

44. O-180-07-07 AN ORDINANCE APPROPRIATING \$25,000.00 FROM THE DISTRICT 14 NEIGHBORHOOD DEVELOPMENT FUND (NDF), THROUGH THE DEPARTMENT OF FINANCE AND BUDGET, TO THE JEFFERSON COUNTY PUBLIC EDUCATION FOUNDATION, INC. FOR WALKING TRAILS, FITNESS STATIONS, AND REPLACEMENT OF PLAYGROUND EQUIPMENT AT SANDERS ELEMENTARY SCHOOL.

**Status:** On Council Agenda - New Business  
**Committee:** Appropriations, NDFs and CIFs  
**Primary Sponsor:** Robert Henderson

45. R-130-07-07 A RESOLUTION AUTHORIZING THE MAYOR ON BEHALF OF THE METRO GOVERNMENT TO ACCEPT THE DONATION OF A CONSERVATION EASEMENT ON PROPERTY OWNED BY W. AUSTIN MUSSELMAN, JR. AND LAYLA GEORGE MUSSELMAN AND LOCATED ON PETERSON AVENUE.

**Status:** On Council Agenda - New Business  
**Committee:** Planning/Zoning, Land Design & Development  
**Primary Sponsor:** Tina Ward-Pugh

46. R-131-07-07 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A DONATION OF PROCEEDS FROM THE 2006 BREEDERS' CUP LUNCHEON IN THE AMOUNT OF \$15,667.71 TO THE LOUISVILLE METRO DEPARTMENT OF PUBLIC HEALTH & WELLNESS.

**Status:** On Council Agenda - New Business  
**Committee:** Health & Human Services  
**Primary Sponsor:** Marianne Butler

47. R-132-07-07 A RESOLUTION AUTHORIZING THE PURCHASE OF CERTAIN TRACTS OF PROPERTY LOCATED IN DOWNTOWN LOUISVILLE METRO.

**Status:** On Council Agenda - New Business  
**Committee:** Labor & Economic Development  
**Primary Sponsor:** David Tandy

48. O-181-07-07 AN ORDINANCE ESTABLISHING A DEVELOPMENT AREA PURSUANT TO 2007 HOUSE BILL 549 TO BE KNOWN AS THE MUSEUM PLAZA DEVELOPMENT AREA, DESIGNATING THE METRO DEVELOPMENT AUTHORITY, INC. AS AN "AGENCY", APPROVING ENTERING INTO A LOCAL PARTICIPATION AGREEMENT, AUTHORIZING THE RELEASE OF THE "RELEASED AMOUNT" PURSUANT TO THE TERMS AND CONDITIONS OF THE LOCAL PARTICIPATION AGREEMENT, REQUIRING THE SUBMISSION OF REGULAR REPORTS TO THE COUNCIL AND AUTHORIZING THE EXECUTION AND DELIVERY OF ANY OTHER DOCUMENTS AND THE TAKING OF ANY OTHER ACTIONS NECESSARY TO ACCOMPLISH THE PURPOSES AUTHORIZED BY THIS ORDINANCE.

**Status:** On Council Agenda - New Business  
**Committee:** Labor & Economic Development  
**Primary Sponsor:** David Tandy

49. O-182-07-07 AN ORDINANCE CHANGING THE NAME OF A PRIVATE ROAD, SUNSET DRIVE, TO SUNSET CIRCLE FROM ITS WESTERN INTERSECTION WITH SUNFLOWER AVENUE, RUNNING WEST TO GREENWELL LANE, AND TO SUNRISE VISTA DRIVE FROM 4511 SUNSET DRIVE TO ITS TERMINUS, SAID ROAD BEING IN LOUISVILLE METRO (DOCKET NO. 1-12-06).

**Status:** On Council Agenda - New Business  
**Committee:** Planning/Zoning, Land Design & Development  
**Primary Sponsor:** Tom Owen

50. O-183-07-07 AN ORDINANCE CLOSING A PORTION OF BRISCOE LANE FROM ITS EASTERN INTERSECTION WITH BRISCOE RIDGE LANE, RUNNING EAST TO RELOCATED BRISCOE LANE, AND EXCLUDING THE 50-FOOT BY 30-FOOT EXTENSION OF PIKEWOOD WAY, BEING IN LOUISVILLE METRO (DOCKET NO. 1-19-04).

**Status:** On Council Agenda - New Business  
**Committee:** Planning/Zoning, Land Design & Development  
**Primary Sponsor:** Tom Owen

51. R-133-07-07 A RESOLUTION UPHOLDING THE RECOMMENDATION OF THE PLANNING COMMISSION TO DENY A REQUESTED CHANGE IN ZONING FROM R-5 SINGLE FAMILY RESIDENTIAL TO OR OFFICE RESIDENTIAL ON PROPERTY LOCATED AT 2955 AND 2957 BROWNSBORO ROAD, CONTAINING 0.3 ACRES, AND BEING IN LOUISVILLE METRO (DOCKET NO. 9-61-06VW).

**Status:** On Council Agenda - New Business  
**Committee:** Planning/Zoning, Land Design & Development  
**Primary Sponsor:** Tom Owen

52. O-179-07-07 AN ORDINANCE APPROPRIATING \$25,000 FROM THE DISTRICT 14 NEIGHBORHOOD DEVELOPMENT FUND, TO THE METRO DEPARTMENT OF PARKS TO FUND IMPROVEMENTS AT THE FARNSLEY-MOREMAN HOUSE PROPERTY

**Status:** On Council Agenda - New Business  
**Committee:** Appropriations, NDFs and CIFs  
**Primary Sponsor:** Robert Henderson

53. O-186-07-07 AN ORDINANCE CHANGING THE ZONING FROM R-1 SINGLE FAMILY RESIDENTIAL TO C-2 COMMERCIAL ON PROPERTY LOCATED AT 1401 CARDINAL DRIVE, CONTAINING 0.3 ACRES, AND BEING IN LOUISVILLE METRO (DOCKET NO. 9-60-06VW).

**Status:** On Council Agenda - New Business  
**Committee:** Planning/Zoning, Land Design & Development  
**Primary Sponsor:** Tom Owen

54. O-185-07-07 AN ORDINANCE CHANGING THE ZONING FROM R-1 SINGLE FAMILY RESIDENTIAL TO EZ-1 ENTERPRISE ZONE ON PROPERTY LOCATED AT 5808 JOHNSONTOWN ROAD, CONTAINING 23.7 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 8571).

**Status:** On Council Agenda - New Business  
**Committee:** Planning/Zoning, Land Design & Development  
**Primary Sponsor:** Tom Owen

55. O-184-07-07 AN ORDINANCE CHANGING THE ZONING FROM R-4 SINGLE FAMILY RESIDENTIAL TO C-2 COMMERCIAL ON PROPERTY LOCATED AT 4909 POPLAR LEVEL ROAD, CONTAINING 0.64 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 8511).

**Status:** On Council Agenda - New Business  
**Committee:** Planning/Zoning, Land Design & Development  
**Primary Sponsor:** Tom Owen

#### **ADJOURNMENT:**

PRESIDENT BLACKWELL: Thank you, Madam Clerk. I will entertain a motion to adjourn the formal portion of our meeting.

COUNCILMAN KING: So moved.

COUNCILWOMAN WARD-PUGH: Second.

The Regular **July 26, 2007** Louisville Metro Council meeting adjourned without objection at 7:23 PM.

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Kathleen J. Herron, Metro Council Clerk

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Rick Blackwell, Metro Council President

Council members King, Hamilton, Ward-Pugh, Owen, Green and Blackwell made announcements.
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